



Tuesday, October 15, 2019

Immediate Press Release

Contact: [ellen@ellenformayor2019.com](mailto:ellen@ellenformayor2019.com)

### **"Community Rally Against Insanity in San Francisco "**

Dear San Francisco residents and media friends,

You are invited to come and join our community rally against insanity in San Francisco. With \$12.3 billion budget, no one should suffer or die on the San Francisco street! With such a rich city, no one should eat food from public garbage cans! End illegal drug needles now! Stop London N. Breed from killing our quality of life! Navigation centers in each neighborhood will invite more new homeless from other cities to destroy our quality of life! SF first! Homeless people need homes not career politicians! With almost 32,000 government employees and 992 non-profit agencies in SF, everyone should have her or his basic needs met! If you don't like what you see, come and join our rally! Come out to voice your concerns!

**Date:** Wednesday, October 16, 2019

**Time:** 12noon to 2pm

**Location:** Market Street / Corner of 7th, across from 1145 Market Street, entrance of the Farmer's Market. San Francisco

**RSVP online:** <https://www.eventbrite.com/e/rally-against-insanity-in-san-francisco-tickets-7656165893>

This event is organized by Ellen Lee Zhou for San Francisco Mayor 2019.

[www.Ellenformayor2019.com](http://www.Ellenformayor2019.com)

Twitter: <https://twitter.com/Ellen4SFMayor>

Facebook: <https://m.facebook.com/EllenLeeZhou/>

Youtube: [https://www.youtube.com/channel/UCYYCq46urg0MV\\_F-lAynT0Q](https://www.youtube.com/channel/UCYYCq46urg0MV_F-lAynT0Q)

[Ellen@EllenforMayor2019.com](mailto:Ellen@EllenforMayor2019.com) or phone

May God bless San Francisco!

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Paid for by Ellen Lee Zhou for Mayor 2019 FPPC # 1414996 Financial disclosures are available at [sfethics.org](http://sfethics.org)

**From:** Lazar, David (POL)  
**To:** Scott, William (POL)  
**Subject:** RE: Seven Youth Commission Actions from May 6, 2019: support BOS File No. 190392 – [Juvenile Hall Closure];  
**Date:** Friday, May 10, 2019 2:26:50 PM  
**Attachments:** [image002.png](#)

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Thank you

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Commander David Lazar  
Community Engagement Division  
San Francisco Police Department  
3401 17<sup>th</sup> Street  
San Francisco, Ca 94110  
(415) 558-5459

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**From:** Fountain, Christine (POL) **On Behalf Of** Scott, William (POL)  
**Sent:** Thursday, May 9, 2019 10:53 AM  
**To:** Lazar, David (POL) <David.Lazar@sfgov.org>  
**Cc:** Dangerfield, Troy (POL) <Troy.Dangerfield@sfgov.org>  
**Subject:** FW: Seven Youth Commission Actions from May 6, 2019: support BOS File No. 190392 – [Juvenile Hall Closure];

Cmdr.

FYI – I don't see you on the list of recipients.

On first review, it doesn't look like there is anything directly impacting the SFPD.

Indirectly, the closing of Juvenile Hall, but nothing we need to follow up on right now.

Thank you.

Christine Fountain  
Office of the Chief of Police  
San Francisco Police Department  
1245 3<sup>rd</sup> Street  
San Francisco CA 94158  
415.837.7000  
[christine.fountain@sfgov.org](mailto:christine.fountain@sfgov.org)

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**From:** Youthcom, (BOS)  
**Sent:** Wednesday, May 8, 2019 2:34 PM  
**To:** Breed, Mayor London (MYR) <[mayorlondonbreed@sfgov.org](mailto:mayorlondonbreed@sfgov.org)>; BOS-Supervisors <[bos-supervisors@sfgov.org](mailto:bos-supervisors@sfgov.org)>  
**Cc:** Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>; Karunaratne, Kanishka (MYR) <[kanishka.cheng@sfgov.org](mailto:kanishka.cheng@sfgov.org)>; Peacock, Rebecca (MYR) <[rebecca.peacock@sfgov.org](mailto:rebecca.peacock@sfgov.org)>; Kittler, Sophia (MYR) <[sophia.kittler@sfgov.org](mailto:sophia.kittler@sfgov.org)>; Lam, Jenny (MYR) <[jenny.h.lam@sfgov.org](mailto:jenny.h.lam@sfgov.org)>; Nguyen, Lisa (CHF) <[lisa.nguyen@sfgov.org](mailto:lisa.nguyen@sfgov.org)>; Su, Maria (CHF) <[maria.su@dcyf.org](mailto:maria.su@dcyf.org)>; Cityattorney <[Cityattorney@sfcityatty.org](mailto:Cityattorney@sfcityatty.org)>; Colfax, Grant (DPH) <[grant.colfax@sfdph.org](mailto:grant.colfax@sfdph.org)>; Scott, William (POL) <[william.scott@sfgov.org](mailto:william.scott@sfgov.org)>; Hennessy, Vicki (SHF) <[vicki.hennessy@sfgov.org](mailto:vicki.hennessy@sfgov.org)>; Gascon, George (DAT) <[george.gascon@sfgov.org](mailto:george.gascon@sfgov.org)>; Raju, Manohar (PDR) <[manohar.raju@sfgov.org](mailto:manohar.raju@sfgov.org)>; Nance, Allen (JUV) <[allen.nance@sfgov.org](mailto:allen.nance@sfgov.org)>; Morris, Geoffrea (ADP) <[geoffrea.morris@sfgov.org](mailto:geoffrea.morris@sfgov.org)>; Dinky Manek Enty <[dinky@cjcj.org](mailto:dinky@cjcj.org)>; llightman@sftc.org; Miller, Katherine (DAT) <[katherine.miller@sfgov.org](mailto:katherine.miller@sfgov.org)>; Bell, Lauren (ADP) <[lauren.bell@sfgov.org](mailto:lauren.bell@sfgov.org)>; Hartley, Kate (MYR) <[kate.hartley@sfgov.org](mailto:kate.hartley@sfgov.org)>; Kositsky, Jeff (HOM) <[jeff.kositsky@sfgov.org](mailto:jeff.kositsky@sfgov.org)>; Arntz, John (REG) <[john.arntz@sfgov.org](mailto:john.arntz@sfgov.org)>; Hosmon, Kiely (BOS) <[kiely.hosmon@sfgov.org](mailto:kiely.hosmon@sfgov.org)>; Fierro, Naomi (BOS) <[naomi.fierro@sfgov.org](mailto:naomi.fierro@sfgov.org)>; Truong, Austin (BOS) <[austin.truong@sfgov.org](mailto:austin.truong@sfgov.org)>  
**Subject:** Seven Youth Commission Actions from May 6, 2019: support BOS File No. 190392 – [Juvenile Hall Closure];

## YOUTH COMMISSION MEMORANDUM

**TO:** Honorable Mayor London Breed  
Honorable Members, Board of Supervisors

**CC:** Angela Calvillo, Clerk of the Board of Supervisors  
Kanishka Karunaratne, Mayor's Liaison to Boards and Commissions  
Rebecca Peacock, Mayor's Government Affairs Team support  
Sophia Kittler, Mayor's Liaison to the Board of Supervisors  
Jenny Lam, Mayor's Education Advisor  
Lisa Nguyen, Mayor's Education Advisor Assistant  
Maria Su, Executive Director, Department of Children Youth and Their Families  
Dennis Herrera, SF City attorney  
Dr. Grant Colfax, Director, Department of Public Health  
Chief Bill Scott, SFPD  
Sheriff Vicki Hennessy  
George Gascón, District Attorney  
Public Defender Manohar Raju  
Chief Allen Nance, Chief Probation Officer, SF Juvenile Probation Department  
Geoffrea Morris, Reentry Policy Planner, Reentry Division, SF Adult Probation Department  
Dinky Manek Enty, Deputy Director, Center on Juvenile and Criminal Justice  
Lisa Lightman, Director, SF Collaborative Courts  
Katherine Weinstein Miller, District Attorney's Chief of Alternative Programs & Initiatives  
Lauren Bell, Reentry Division Director  
Kate Hartley, Director, Mayor's Office of Housing and Community Development  
Jeff Kositsky, Director, Department of Homelessness and Supportive Housing  
Jon Arntz, Director, Department of Elections

**FROM:** 2018-2019 Youth Commission

**DATE:** Wednesday, May 8, 2019

**RE:** Seven Youth Commission Actions from May 6, 2019: support BOS File No. 190392 – [Juvenile Hall Closure]; support Motion No. 1819-AL - 16 [Letter of Support for the HESPA Youth-Related Budget Asks]; support Motion No. 1819- AL – 17 [Letter supporting Assembly Constitutional Amendment 8, Allowing 17 year Olds to Vote in State Elections]; motion to approve the Youth Commission Budget and Policy Priorities for the FY 2019-2020, 2020-2021; support Resolution No. 1819-AL-12

[Resolution Supporting Youth Leadership Institute's FEAR CAM Tobacco Minimum Pricing and Price Promotion Campaign]; support Resolution 1819-AL-13 [Supporting AB 307 Homeless youth: grant program]; support Resolution 1819-AL-14 [Urging to Lower San Francisco's Legal Voting Age to 16 years of age]

At its meeting on Monday, May 6, 2019, the Youth Commission took the following actions:

1. Youth Commissioners voted unanimously to support BOS File No. 190392 – [Juvenile Hall Closure] ([PDF](#)) (attached)
2. Youth Commissioners voted unanimously to support Motion No. 1819-AL - 16 [Letter of Support for the HESPA Youth-Related Budget Asks] ([PDF](#)) (attached)
3. Youth Commissioners voted to support Motion No. 1819- AL – 17 [Letter supporting Assembly Constitutional Amendment 8, Allowing 17 year Olds to Vote in State Elections] ([PDF](#)) (attached)
4. Youth Commissioners voted unanimously to approve the Youth Commission Budget and Policy Priorities for the FY 2019-2020, 2020-2021 (Full report forthcoming in late May-early June)
5. Youth Commissioners voted unanimously to approve Resolution No. 1819-AL-12 [Resolution Supporting Youth Leadership Institute's FEAR CAM Tobacco Minimum Pricing and Price Promotion Campaign] ([PDF](#)) (attached)
6. Youth Commissioners voted unanimously to approve Resolution 1819-AL-13 [Supporting AB 307 Homeless youth: grant program] ([PDF](#)) (attached)
7. Youth Commissioners voted to approve Resolution 1819-AL-14 [Urging to Lower San Francisco's Legal Voting Age to 16 years of age] ([PDF](#)) (attached)

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Please do not hesitate to contact Youth Commissioners or Youth Commission staff (415) 554-6446 with any questions. Thank you.

**From:** Fountain, Christine (POL) on behalf of Scott, William (POL)  
**To:** Brady, Petra (POL); Matthews, Valerie (POL); Scott, William (POL)  
**Cc:** Yamaguchi, Tadao  
**Subject:** RE: more info about Sunday  
**Date:** Friday, March 8, 2019 11:42:53 AM  
**Attachments:** [image001.jpg](#)

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Will do.

Lt. Yamaguchi has the list as well and will follow up with the Chief.

I'm not sure if we will have the opportunity to get back to you before Sunday as he is in Washington DC at this time.

We'll do what we can.

Christine Fountain  
Office of the Chief of Police  
San Francisco Police Department  
1245 3<sup>rd</sup> Street  
San Francisco CA 94158  
415.837.7000  
[christine.fountain@sfgov.org](mailto:christine.fountain@sfgov.org)

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**From:** Brady, Petra (POL)  
**Sent:** Friday, March 8, 2019 11:33 AM  
**To:** Matthews, Valerie (POL) <[Valerie.Matthews@sfgov.org](mailto:Valerie.Matthews@sfgov.org)>; Scott, William (POL) <[william.scott@sfgov.org](mailto:william.scott@sfgov.org)>; Fountain, Christine (POL) <[christine.fountain@sfgov.org](mailto:christine.fountain@sfgov.org)>  
**Cc:** Yamaguchi, Tadao <[Tad.Yamaguchi@sfgov.org](mailto:Tad.Yamaguchi@sfgov.org)>  
**Subject:** more info about Sunday

Good morning Christine,

Thanks for getting back to me so quickly. I've attached an abbreviated list for Chief Scott's convenience.

Could you please let him know that I plan to visit at least two churches on Sunday. At 7:30A, I

will be at St. Elizabeth Church located at 459 Somerset Street; then at 10:00A, I will be at Calvary Hill Community Church located at 141 Industrial Way. Also at 11:00A, Sup. Shamann Walton will be at Good Samaritan Worship Center, located at 2215 Newcomb Avenue.

Please let me know if you have anymore questions.

Thanks.



Petra Brady  
Admin-Capt. Matthews' Off.  
SFPD-Bayview Station  
201 Williams Avenue  
San Francisco, CA 94124  
P:415-671-2324

**From:** [Fountain, Christine \(POL\)](#) on behalf of [Scott, William \(POL\)](#)  
**To:** [Brady, Petra \(POL\)](#); [Matthews, Valerie \(POL\)](#); [Scott, William \(POL\)](#)  
**Cc:** [Yamaguchi, Tadao](#)  
**Subject:** RE: "Church Takeover" is this weekend  
**Date:** Friday, March 8, 2019 10:46:09 AM  
**Attachments:** [image001.jpg](#)

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Good morning,

We do have a church visit on Chief Scott's schedule for Sunday. But we do not have a list of the participating churches.

Could you provide that so we can get the info to Chief Scott.

Thank you.

Christine Fountain  
Office of the Chief of Police  
San Francisco Police Department  
1245 3<sup>rd</sup> Street  
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415.837.7000  
[christine.fountain@sfgov.org](mailto:christine.fountain@sfgov.org)

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**From:** Brady, Petra (POL)  
**Sent:** Friday, March 8, 2019 10:18 AM  
**To:** Matthews, Valerie (POL) <[Valerie.Matthews@sfgov.org](mailto:Valerie.Matthews@sfgov.org)>; Scott, William (POL) <[william.scott@sfgov.org](mailto:william.scott@sfgov.org)>  
**Subject:** "Church Takeover" is this weekend

Greetings Chief Scott,

I wanted to thank you for supporting Bayview Station by participating in the "Church Takeover" this Sunday. I know your admin is out of the office, but if you would please let me know which church and what time you'll be attending? Also, if you have the opportunity to introduce yourself, please include the following:

*On behalf of Captain Matthews and Bayview Station, I want you to know that we support you and would like to build meaningful, lasting relationships with the churches in the community we serve.*

If you have any additional questions please let me know.

Thanks again.



SFPD-Bayview Station  
201 Williams Avenue  
San Francisco, CA 94124  
P:415-671-2324

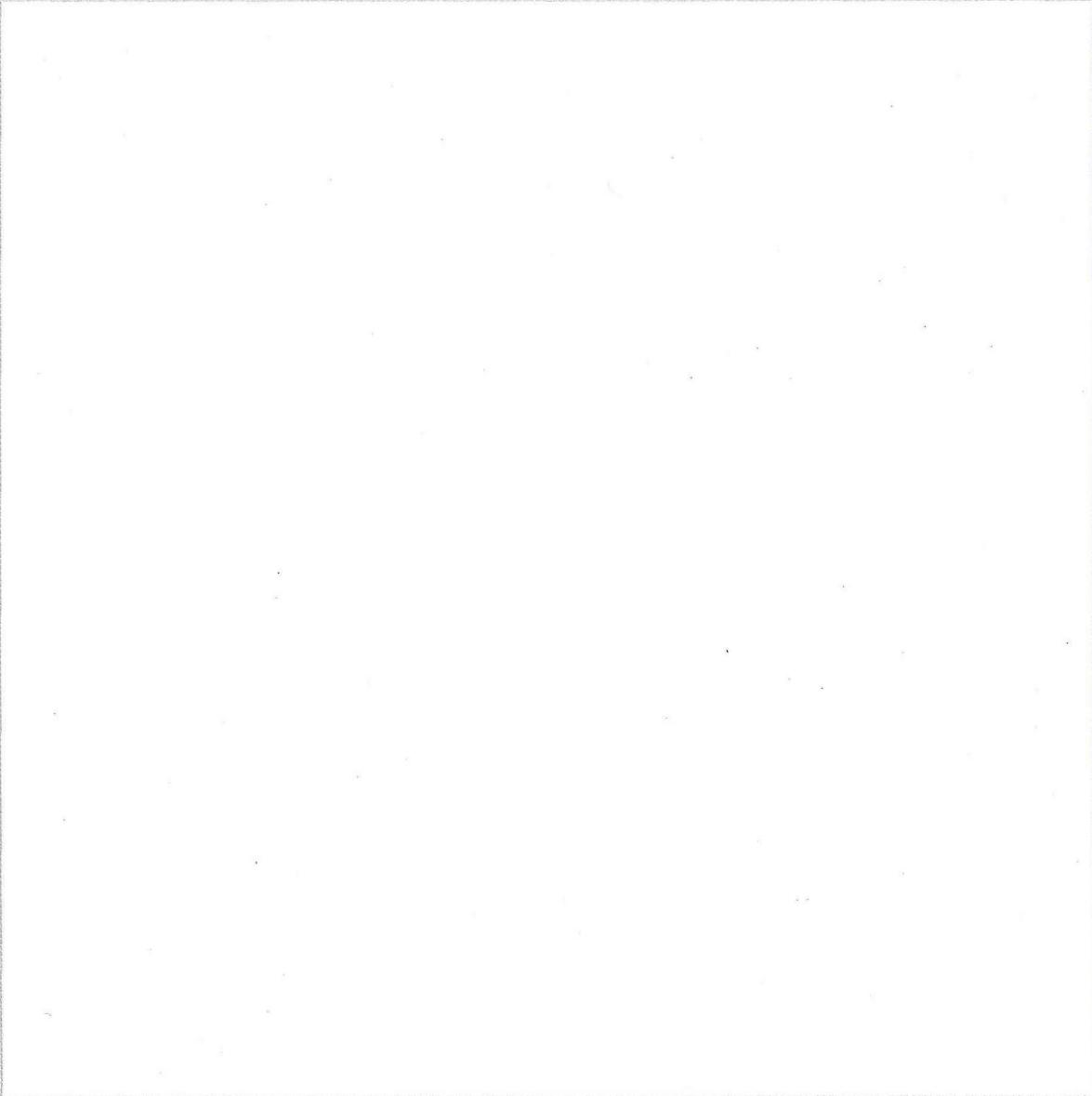
**From:** Stevenson, David (POL)  
**To:** Scott, William (POL); Moser, Bob (POL); Redmond, Michael (POL); Hussey, Deirdre (POL)  
**Cc:** Andraychak, Michael (POL); Tomlinson, Joseph (POL); Lobsinger, Adam (POL); Rueca, Robert (POL)  
**Subject:** SF Examiner story  
**Date:** Wednesday, September 25, 2019 5:03:36 AM

<https://www.sfexaminer.com/news/an-sfpd-officer-has-a-history-of-alleged-hit-and-runs-chief-scott-just-made-him-second-in-command/>

An SFPD officer has a history of alleged hit and runs. Chief Scott just made him second in command.  
– The San Francisco Examiner

An SFPD officer has a history of alleged hit and runs. Chief Scott just made him second in command. Assistant Chief Michael Redmond named on confidential list of cops with possible credibility issues

[www.sfexaminer.com](http://www.sfexaminer.com)



Deputy Chief Michael Redmond, right, confers with another officer in a 2017 file photo.  
(Jessica Christian/S.F. Examiner)

## An SFPD officer has a history of alleged hit and runs. Chief Scott just made him second in command.

Assistant Chief Michael Redmond named on confidential list of cops with possible credibility issues

MICHAEL BARBA Sep. 24, 2019 11:30 p.m. [NEWS THE CITY](#)



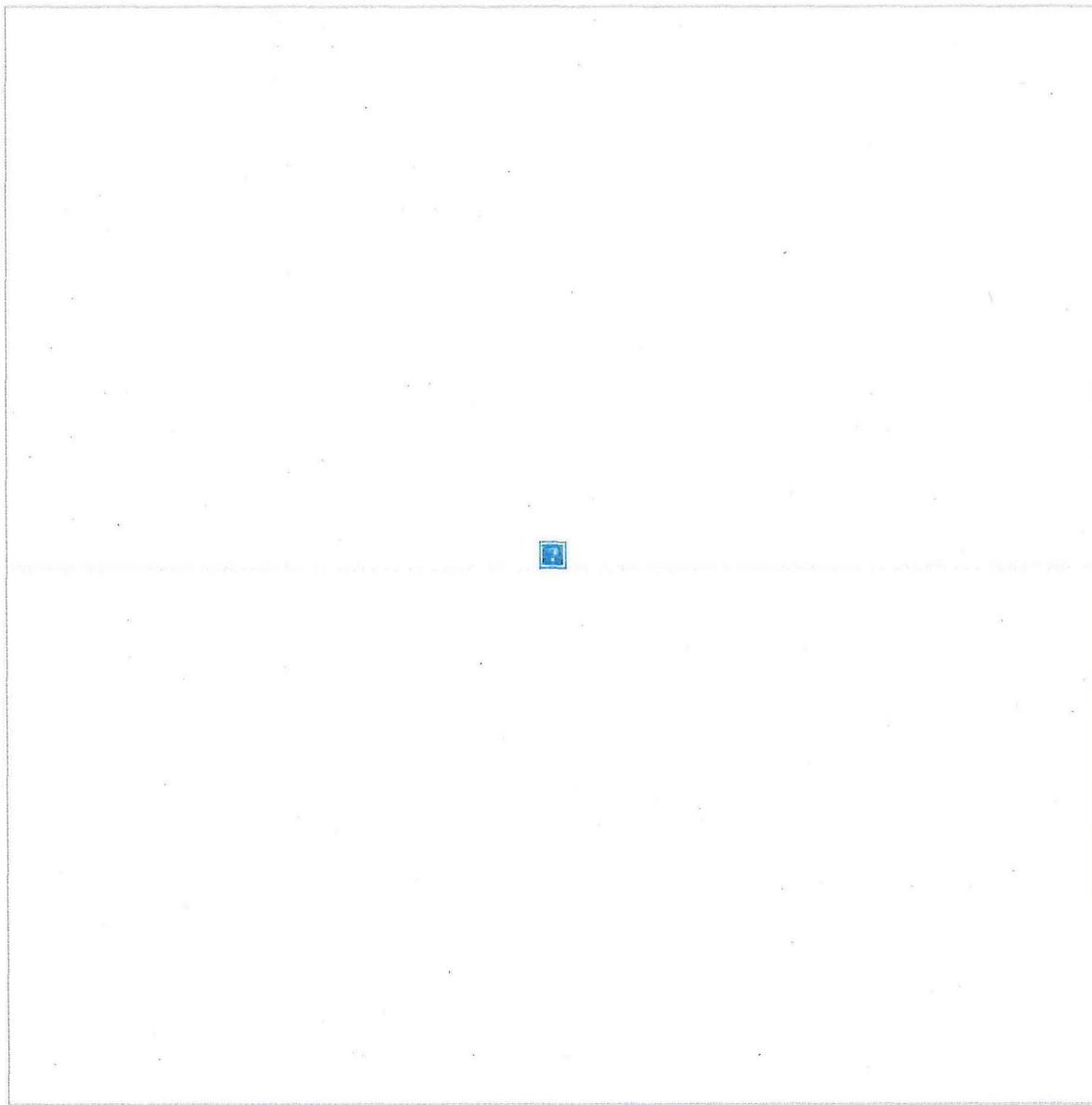
In August 1996, Barbara Rubi was about to cross the street to a garage sale in Noe Valley when she saw a car coming down the hill. Before she could step out of the way, Rubi said the vehicle struck her on the side and drove off. "People screamed," Rubi, 69, recalled in a recent interview.

Rubi would soon learn that the alleged hit-and-run driver was a 26-year-old San Francisco police officer named Michael Redmond. He later admitted to falling asleep at the wheel after working an overnight shift, according to newly discovered civil court records obtained by the San Francisco Examiner.

Fast forward to Sept. 3 of this year and Police Chief Bill Scott promoted Redmond to the second-highest rank in the San Francisco Police Department. As one of two assistant chiefs, Redmond now oversees a vast portion of the police force including all criminal investigations, district stations and the airport.

His promotion this month has raised questions about whether an officer accused of hit-and-run driving in his past should be chosen for one of the most important positions in a department undergoing reform.

"I don't think he deserves that role," said Rubi, the retired owner of a health food store. "People do make mistakes and they could become perfect citizens after that, but in this case he was a police officer, he took an oath, he should be doing the right thing in setting an example and I don't think he did."



Barbara Rubi, pictured in 2011, was the victim of an alleged hit and run in 1996. (Courtesy

Barbara Rubi)

Redmond's checkered history does not end there. Less than five months after the Rubi incident, court records show he would be under criminal investigation for an alleged hit and run on New Year's Day 1997.

Then in 2011, he was placed on a confidential list of officers who have had their credibility called into question, according to a law enforcement source. Redmond was added to the so-called Brady list for hit and run, the source said.

Being on a Brady list is considered a stain on an officer's reputation.

Law enforcement agencies keep the lists following a 1963 U.S. Supreme Court ruling in *Brady v. Maryland* that requires prosecutors to disclose evidence that could be helpful to the defense, including information that could cast doubt on the testimony of an officer.

The Examiner could not confirm which alleged hit-and-run incident landed Redmond on the Brady list, if either.

In January 1997, San Mateo County prosecutors charged Redmond with three misdemeanor counts of driving under the influence of alcohol or drugs, DUI with a blood alcohol content of .08 percent or higher and hit-and-run driving resulting in property damage, according to court records.

Court records show Redmond ultimately pleaded no contest and was convicted of the second misdemeanor DUI charge under a plea agreement that dismissed the other counts. He was sentenced to three years of probation and appears to have completed an alcohol program instead of serving a 96-hour sentence in jail.

The Examiner could not obtain a detailed description of the underlying incident that led to the charges because the files were destroyed after 10 years, according to court staff in San Mateo County.

But San Mateo County District Attorney Stephen Wagstaffe said the charges stemmed from a Jan. 1, 1997 incident involving the South San Francisco Police Department.

Redmond, for his part, said Tuesday in a statement to the Examiner that he made "some very bad personal decisions" two and a half years into his career.

"I have lived with regret ever since," Redmond said. "I am not proud of my actions 22 years ago and I have worked every day since to be a better man, a better father and a better officer," he said. "The experience made me grow as a person and an officer, and I feel, made me better at my job. It taught me everyone deserves a second chance inside and outside the department."

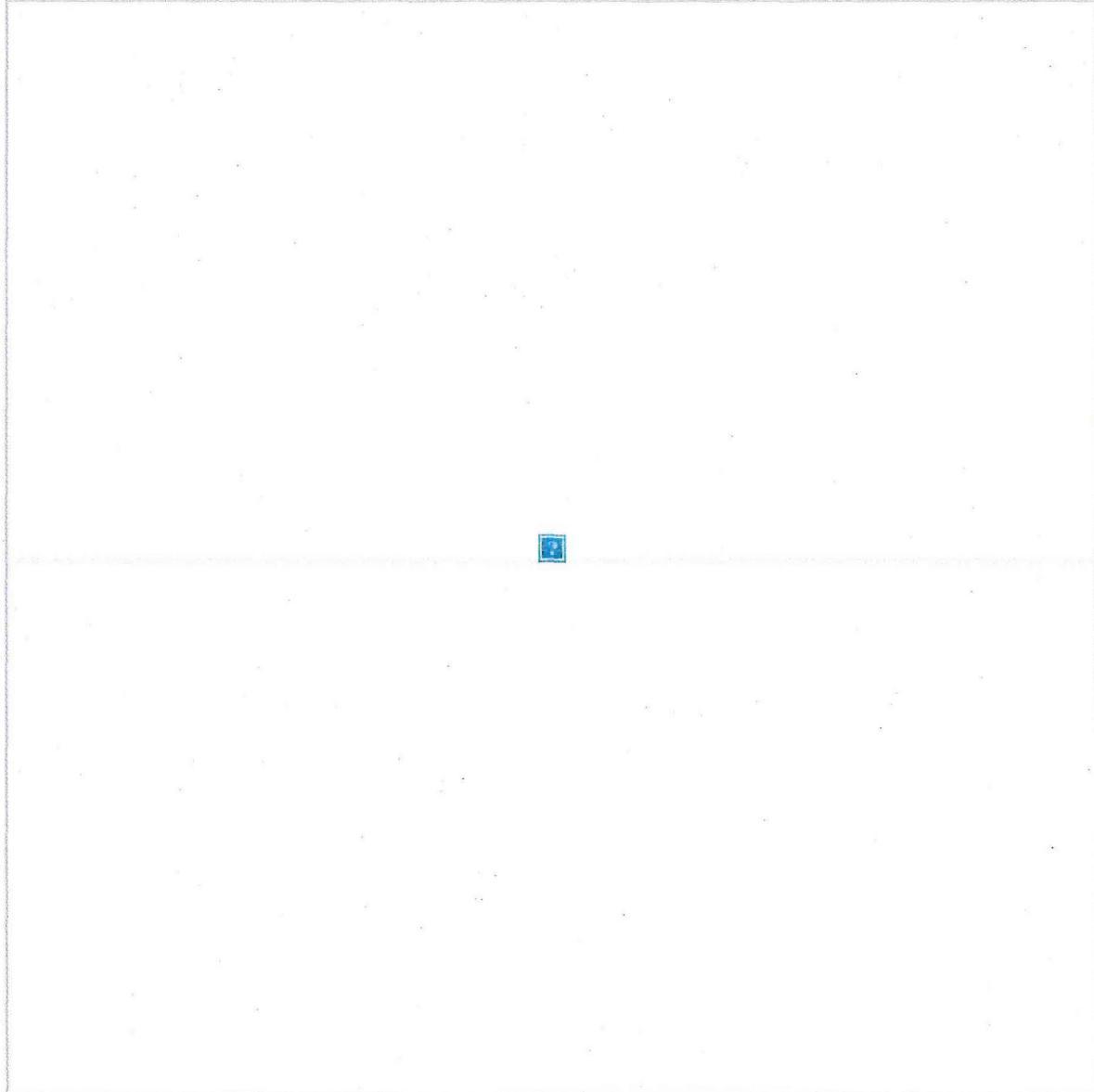
An SFPD spokesperson said Redmond faced an administrative investigation as a result of the 1997 incident. The spokesperson said there has been no other incident involving Redmond since.

"The disciplinary process early in my career allowed me to acknowledge my mistakes, correct my behavior and continue my service to the community," Redmond said.

Scott defended Redmond as a "man of integrity" in a statement.

"There is not a doubt in my mind that Mike Redmond is fit to serve our department and our city," Scott said. "Under our disciplinary process, he took the actions he needed to correct his behavior."

In the decades since these incidents, his track record shows that he has grown to become an exemplary law enforcement officer and a leader."



Michael Redmond was promoted to the second-highest rank in the San Francisco Police Department this month. (Jessica Christian/2017 S.F. Examiner)

Redmond has climbed the ranks of the SFPD over the years.

He was promoted to captain in 2012 as the commanding officer of Southern Police Station and later joined the command staff as commander of the Metro division in 2014 under former Police Chief

Greg Suhr. From 2015 until this month, he served as deputy chief of the Operations Bureau.

Lara Bazelon, a law professor at the University of San Francisco, questioned whether Scott sifted through the facts of the alleged hit-and-run incidents before naming Redmond as assistant chief.

"It's a mitigating factor for sure that these incidents are over two decades old and there is no evidence of misconduct since then," Bazelon said. "But I also think that we should not be promoting people to those positions of power and authority who have a history of ... reckless behavior that results in physical harm to other people and property damage if you aren't sure that this person has, first of all, accepted responsibility and second of all, changed their behavior."

In his statement, Scott said he considers the accomplishments of officers as well as disciplinary issues when making promotions.

"Our discipline system is designed to address misconduct, hold people accountable, change

behavior and when possible, provide a path forward to continue their careers," Scott said. "Because of confidentiality requirements, we generally do not discuss the specifics of disciplinary cases."

Because Redmond is on the command staff, he might not regularly find himself on the witness stand like a beat cop. But that doesn't reduce the significance of a high-ranking police official being on the Brady list, according to experts.

"If anything it's more important that we know that the chain of command are conducting themselves professionally and with integrity," said Kathleen Guneratne, a senior staff attorney with the ACLU.

Bazelon agreed.

"I think it makes it even worse," Bazelon said. "I don't think it's a comeback to say, 'as long as he's in a higher position, that's okay.'"

Bazelon said officers can end up on the Brady list for a range of misconduct from hit-and-run driving to domestic violence or perjury.

As of Sept. 10, the department had 113 officers on the list including one command staff member, eight lieutenants and captains and 104 officers, inspectors and sergeants, according to SFPD spokesperson Sgt. Michael Andraychak.

In total, there are more than 1,850 officers on the force, not including officers assigned to the Airport Bureau.

Redmond was likely not added to the list until 2011 because the SFPD did not have a policy for maintaining a written Brady list until 2010, according to a report on the department by the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement.

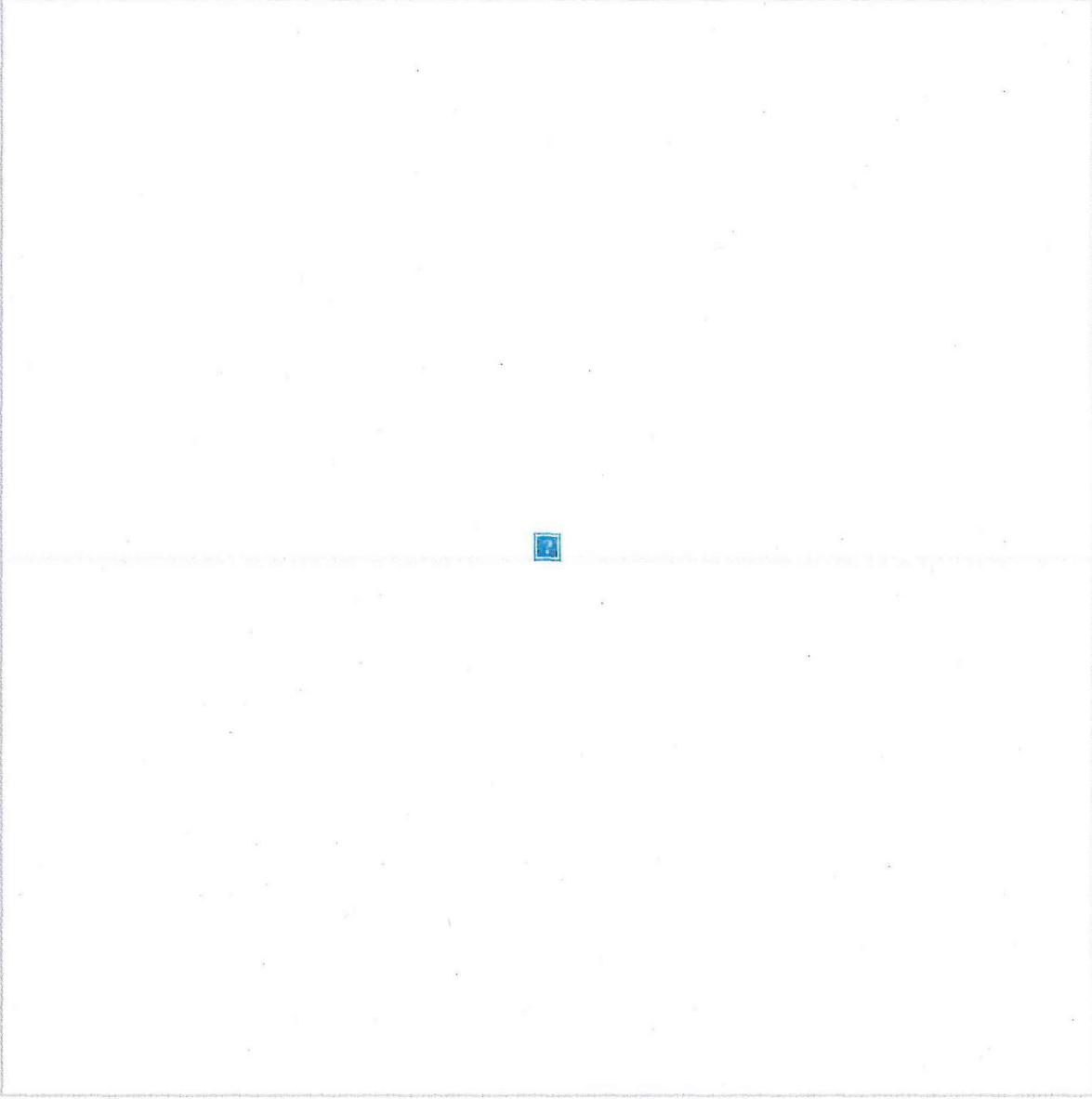
It's unclear if Redmond faced criminal charges for allegedly striking Rubi and fleeing. Court records show he has no criminal record in San Francisco. A spokesperson did not provide information on whether Redmond faced an administrative or criminal investigation as a result of the Rubi incident.

But Rubi sued Redmond for her injuries in August 1997, a year after the collision.

Her attorney, Russell Robinson, alleged in the personal injury complaint that Redmond struck Rubi and intentionally fled. Robinson said Rubi suffered severe bruising, displaced vertebrae and soft tissue injuries.

In a sworn deposition obtained by the Examiner, Redmond said he worked a 10-hour shift that ended at around 7 a.m. on Aug. 10, 1996, the day of the collision. After work, Redmond said he went to the gym and then to court before visiting his grandmother at her house in Noe Valley. Redmond appears to have been on his way home to San Bruno when his vehicle allegedly struck Rubi, but he told Robinson that he had no knowledge of striking a person and did not recall feeling any kind of impact that day.

"I was tired every morning I got off work," Redmond told Robinson during the deposition, according to court records. When asked whether he fell asleep behind the wheel that day, Redmond said, "I believe I did."



(Examiner illustration)

In an interview with the Examiner earlier this month, Rubi said she was struck near 26th and Church streets.

Rubi and a friend were headed to breakfast at a cafe on the corner when she parked about three spaces from the stop sign and got out of her car, she said. Rubi was starting to cross to the garage sale when a car came down the hill.

"I just kind of scooted in and he came close enough to hit me," said Rubi, who was 46 at the time.  
"Quite a few people screamed."

Rubi said a good Samaritan from the garage sale possibly followed the car and took down the license plate number. She said someone called the police and sat her down on the curb.

The impact did not knock her off her feet, she said.

"I think they asked me if I wanted an ambulance and I said 'no,'" Rubi said. "I was sort of in denial. 'I'm going to be fine, I'm going to be fine. Don't make a fuss.' But I was shook up too and maybe a little bit in shock."

Rubi said she and her friend still went to breakfast. That's when she began to realize the extent of her injuries.

"My whole leg from my hip down was really starting to hurt and then it started to get numb," Rubi said. "It was like it was almost paralyzed."

Rubi's friend then drove her home, where Rubi recalled struggling to get up the stairs. Rubi said she had bruising down her right side and eventually went to the doctor, who told her she had suffered a soft-tissue injury.

Rubi's lawsuit against Redmond was eventually consolidated with another case that her attorney filed against a couple who allegedly struck Rubi in her vehicle in July 1996, weeks before the Redmond incident, according to court records.

Court records show an independent arbitrator awarded Rubi \$6,800 from Redmond and \$580 from the couple in August 1998. But negotiations appear to have continued on after the arbitrator award.

Rubi recalls settling the case with Redmond for \$8,000.

But court records show Rubi dismissed her case against the couple in October 1998 after they reached a settlement agreeing to pay her \$2,375. A month later, she appears to have dismissed her case against Redmond, with both parties appearing to agree to bear their own costs.

The collision had an impact on Rubi that lasted for some time. Rubi said she was a runner who was very active in Jazzercise aerobic exercise. She also ran a housekeeping business and at times cleaned houses.

"I couldn't run anymore," Rubi said. "I couldn't exercise."

Rubi questioned how Redmond could be named assistant chief despite having allegedly struck her and fled the scene.

"It's public record that this happened," Rubi said. "If they know about it, I don't understand how the chief or the mayor would appoint him to this position knowing that he did this."

"If he doesn't know about it, why not?" she added. "Do they not investigate these people before they appoint them, and wouldn't they want them to have a clean record?"

*mbarba@sfxaminer.com*

David Stevenson  
Director of Strategic Communications  
San Francisco Police Department  
1245 3rd Street, 6th Floor  
San Francisco, CA 94158  
(415)837-7242 Desk

**From:** Stevenson, David (POL)  
**To:** Scott, William (POL); Ewins, Teresa (POL); Moser, Bob (POL)  
**Cc:** Andraychak, Michael (POL); Tomlinson, Joseph (POL); Lobsinger, Adam (POL); Rueca, Robert (POL)  
**Subject:** FYI: Mission Local on Bias by Proxy  
**Date:** Wednesday, September 11, 2019 6:26:54 AM

<https://missionlocal.org/2019/09/sfpd-wants-to-reduce-permit-patty-type-situations-its-not-so-easy/>



SFPD wants to better respond to racially motivated 911 calls. It's not so easy. - Mission Local

Early on a Wednesday morning last July, police converged on a gourmet lemonade stand on Valencia Street and its unwitting owner, Vicktor Stevenson. One police officer, Stevenson said, approached with his hand on his gun. "He looked like he was ready," Stevenson told missionlocal.org

## SFPD wants to better respond to racially motivated 911 calls. It's not so easy.

By Julian Mark | Sep 11, 2019 | [Featured](#), [Front Page](#), [Mobile](#), [Newsletter](#), [Topics](#) | 0

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**SFPD wants to better respond to racially motivated 911 calls. It's not so easy.**



Alison Ettel, known as "Permit Patty," called 911 on an 8-year-old African American girl selling water on a San Francisco sidewalk.

Early on a Wednesday morning last July, police converged on a gourmet lemonade stand on Valencia Street and its unwitting owner, Vicktor Stevenson.

One police officer, Stevenson said, approached with his hand on his gun. "He looked like he was ready," Stevenson told Mission Local following the July 17, 2018 incident.

Stevenson, who is black, was ordered to take his hands out of his pockets and show them to the police. He owned the place, he told the officers, and showed them his keys.

Logically, the interaction should have ended there. But officers nonetheless asked him for his identification and checked his background.

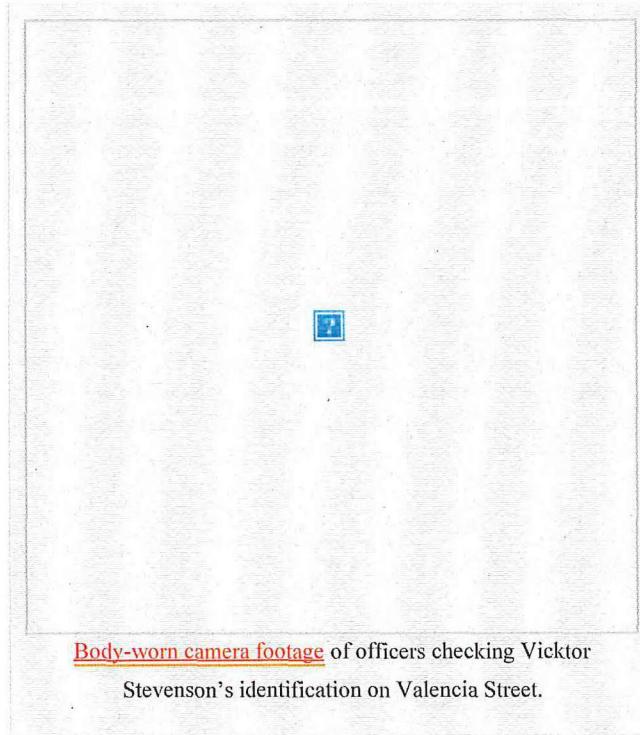
The incident went viral and was reported nationally. And despite the San Francisco Police Department saying that it “responded appropriately” to the situation, Chief Bill Scott has now specifically requested changes to how his officers respond to scenarios like Stevenson’s. The police department calls such situations “bias by proxy” or alerts in which the caller’s bias provokes a call against a person of color acting in a manner that would not illicit suspicion if the person were white.

“Oftentimes, police officers respond to calls for service that are generated based on the implicit biases of the caller,” said Chief Bill Scott in a statement. “These ‘biases by proxy’ can result in disastrous consequences. This is why it is vital to train our officers how to recognize and respond appropriately to this issue.”

It happens more than anyone would like. Only several months before the police showed up at Stevenson’s establishment, Oakland Police responded to a 911 call about an African American family barbecuing at Lake Merritt. Months later, a woman was caught on video calling the police on an African American girl selling

water on a San Francisco sidewalk, an incident that earned her the name “Permit Patty.” And this July, a video of a white man calling the police on an African American man waiting for his friend outside of an apartment building made national headlines.

These are only the incidents that have been caught on video or reported by the press. They do not describe the everyday complaints that lead to innocent bystanders, largely people of color, being hassled by police.



Body-worn camera footage of officers checking Vicktor Stevenson’s identification on Valencia Street.

How should the police respond to false or ill-informed calls by people who racially profile or harbor bias (hence “by proxy”)? How do officers figure out whether a call is racially driven — or actually suspicious?

It turns out, it’s not that easy. It took more than an

hour for two dozen policy wonks, police brass, and community members, sitting in a room at SFPD headquarters Tuesday afternoon, to settle on one draft paragraph that will guide the policy:

“When officers respond to a call for service in which no criminal conduct or well-being check is indicated, an officer should make reasonable efforts to determine whether there is evidence of criminal activity after independently assessing the circumstances. If no suspicious behavior is found or observed, an officer should document their findings ... and educated the reportee about distinguishing between criminal, non-criminal, and constitutionally protected.”

While the group ultimately agreed on language that largely leaves engagement to the discretion of an officer, that did not come without heated exchanges over how police decide whether a call has merit.

“It’s hard because we can’t discourage people from calling the police — and if someone makes a 911 call, law enforcement has to respond,” said Police Commission Vice President Damali Taylor. “What I think we’re trying to do here is build into the [policy] enough flexibility that if the call is complete B.S., officers can use their judgment and not make contact.”

SFPD Commander Teresa Ewins, who has led the working group since May, said that in most circumstances it’s important for an officer to make contact with a person a caller thinks is “suspicious.” “Our job is to make [reportee] feel safe,” she said,

explaining that many elderly folks make such calls.

Ewins also worried that a reportee could file complaints against officers who don't approach someone a caller thinks looks suspicious. "In the end, it's telling me 'if I don't see criminal activity, I don't talk to them,'" Ewins said of the policy's language.

Community member and grassroots organizer Angela Jenkins, who is black, told the group she sometimes experiences bias by proxy. She declined to go into specifics following the meeting, but said she has been "observed" by the police because her "neighbors feel uncomfortable with me."

But Ewins told Jenkins to look beyond her own experience.

"I'm going to ask you to actually look outside of yourself," Ewins told Jenkins who was one of only several representatives on the 20-odd-member working group who come from communities of color. Ewins explained that some communities who are "impacted by drugs and gangs" may appreciate police following through on calls.

But Jenkins said she shouldn't have to "look outside" of her experience: it was her very experience the police were trying to avoid. "The reason we're on the map here is because of Permit Patty," she said. "I would have you think that this is the biggest trend that's going up and has significantly placed San Francisco on the map."

She challenged Ewins's notion that making a reportee "feel safe" should be a priority. She described the "psychological damage" and "emotional distress" of being innocent and continually questioned by a cop — even if the cop is being courteous.

We "can't be collateral damage to keep certain people safe," she said.

Commissioner Cindy Elias agreed. While she echoed Ewins that callers should be taken care of and be made to feel safe, "it's also people who aren't doing anything other than living in their own skin."

Ewins was resolute. "It's like you're telling me not to communicate with the community in San Francisco because of the color of their skin," Ewins replied.

In the end, the policy that leaves the officers involved making the decision seemed like a compromise, but it is "lightyears from where we were previously," Jenkins said. It did strengthen the original 2011 anti-bias policy that included no language about "bias by proxy."

The inevitable problem is that the data on stops indicates that officers continue to have their own biases. From January to March of this year, African Americans comprised 40 percent of all police searches, despite making up 5.6 percent of the population, compared to whites comprising 26 percent of searches and making up 53 percent of the population.

It's unclear if the draft language will be approved.

The SFPD's "Bias-Free Police Policy," which will replace an anti-bias policy drafted in 2011, will now go to the chief (who did not respond to a request for comment for this article) and then a final approval vote by the Police Commission.

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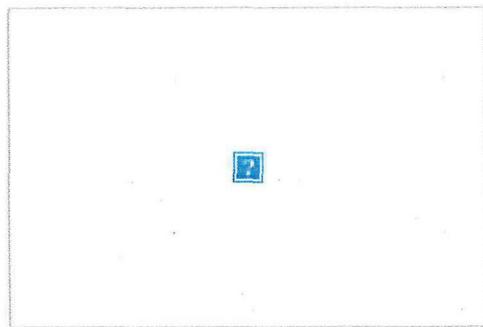
**From:** Stevenson, David (POL)  
**To:** Scott, William Chief (POL); Sainez, Hector (POL); Redmond, Michael (POL); Chaplin, Toney (POL); McEachern, Greg (POL)  
**Subject:** Fw: The Scanner: San Francisco ranks No. 1 in US in property crime - SFChronicle.com  
**Date:** Monday, October 1, 2018 8:43:57 AM

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FYI.

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<https://www.sfchronicle.com/crime/article/The-Scanner-San-Francisco-ranks-No-1-in-13267113.php>



## The Scanner: San Francisco ranks No. 1 in US in property ...

[www.sfchronicle.com](https://www.sfchronicle.com/crime/article/The-Scanner-San-Francisco-ranks-No-1-in-13267113.php)

A time to bail. Tiffany Li made headlines last year after posting a staggering \$70 million bail in property and cash and walking out of the Redwood City Jail despite

# The Scanner: San Francisco ranks No. 1 in US

# in property crime

Local // Crime



It's official: Your backpack, laptop, tablet or phone — or the vehicle in which you left all these things behind — are more likely to catch the fancy of a thief in San Francisco than any other major metropolis in the country.

FBI data released last week show the city had the highest per-capita rate of property crimes among the 20 most populous U.S. cities in 2017, tallying 6,168 crimes per 100,000 people. That's about 148 burglaries, larcenies, car thefts and arsons per day.

San Francisco's property crimes spiked from the previous year, shooting up from about 47,000 in 2016 to 54,000 in 2017.

Officer Robert Rueca, a San Francisco police spokesman, attributed most of last year's surge to what the department called an epidemic of auto break-ins, while pointing out that headway has been made in shrinking this number in 2018.

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Among several strategies, he said, police are working with prosecutors to zero in on the most prolific offenders.

"There's a small group of people affecting the vast majority of those numbers," Rueca said.

The FBI numbers reflect that Oakland saw a steady decrease in violent crimes — murders, rapes, robberies and assaults — in recent years but remained one of the more dangerous cities in the nation. The city's violent crime rate came in at No. 14

among cities with a population of 100,000 or more.

St. Louis, Detroit and Baltimore were the three most violent cities. San Francisco was 75th out of 298 big cities.

Perhaps not surprisingly, the Bay Area also claimed some of the safest cities in the nation, according to the federal figures. Los Altos, Danville and Los Gatos had the three lowest rates of violent crime among California's 245 cities with a population of at least 30,000 people. Each reported zero murders and fewer than 20 rapes, robberies and aggravated assaults for all of 2017.

Perhaps the state's most jarring property crime stats arrived from 400 miles south of the Bay Area, where the City of Industry clocked in nearly 4.5 crimes per resident. There's a big, data-skewing caveat here, though. Only 204 people live in Industry, but the Los Angeles suburb houses more than 3,000 businesses and employs more than 67,000 people, according to the city's website.

Oakland's neighbor Emeryville, with its small population and many businesses and shopping centers, had a similar outcome. There were 2,084 property crimes recorded in a city that's just shy of 12,000 residents — a rate more than twice that of San Francisco.



## **Oakland sideshow goes sideways**

A massive sideshow last weekend in East Oakland resulted in two injured officers, close to 100 cars towed and two arrests. This wasn't the first time The Town has been roiled by illegal car shows shutting down roadways as drivers soundcheck their mufflers and leave behind a trail of doughnuts. But the incident late Saturday night in the area of 42nd Avenue and Interstate 880 was especially brazen, police said.

The sideshow participants allegedly threw rocks and bottles at officers attempting to break up the large gathering — and some even fired guns into the air in celebration. Two officers were said to be injured.

Police were able to break up the sideshow by about 5 a.m. Sunday, but the tow jobs took more than a dozen hours.



### A time to bail

Tiffany Li made headlines last year after posting a staggering \$70 million bail in property and cash and walking out of the Redwood City Jail despite being a potential flight risk to China.

Now she's finally getting her day in court, as the trial began Wednesday.

Prosecutors accused Li of instructing her boyfriend, Kaveh Bayat, and Olivier Adella to kill Keith Green, the 27-year-old father of her two daughters, before getting rid of the body. Li allegedly acted in fear of losing a custody battle with Green. Bayat remains in jail without bail, while Adella struck a deal with prosecutors by pleading no contest. He will no longer be tried for murder as long "as he testifies truthfully at the jury trial," Deputy District Attorney Tricia Povah said.

Adella, who pleaded guilty to an accessory-to-murder charge, has spent two years in jail and could walk away after the trial. Li, who lived in a mansion in Hillsborough, was arrested May 21, 2016, a little more than three weeks after Green disappeared. Police said he was supposed to meet Li at a Millbrae pancake house April 28 but never returned home. A hiker found his cell phone the next day in Golden Gate Park in San Francisco.

For two weeks, Green's disappearance was treated as a missing-person case. But on May 11, Sonoma County sheriff's

deputies found his body in a field off Highway 101 near Healdsburg. An autopsy confirmed that he was the victim of a homicide.

Bayat is accused of shooting and killing Green.

## **2 questions**

### **for Brendon Woods**

*Q: Aside from defending your clients as Alameda County's public defender, does your office have any pet projects?*

A: I'm not sure I'd describe them as pet projects. Instead, these are major initiatives to prevent the lives of poor people — including people of color — from being destroyed by a system of mass incarceration.

Since March 2014, our L.Y.R.I.C. (Learn Your Rights in California) high school outreach program has reached more than 4,000 local students, teaching them how to interact with law enforcement in a way that preserves their constitutional rights, de-escalates the situation and keeps them safe. The tragic killings of Oscar Grant, Eric Garner, Michael Brown, Tamir Rice and many others are high-profile examples of what people in communities of color have known for years — that a simple encounter with the police can go tragically wrong in an instant.

Then there's VOICE (Voting Outreach Increases Community Empowerment), which we launched in October 2016. With the cooperation of the Alameda County Sheriff's Department, we've sent teams of attorneys, social workers and investigators from our office into Santa Rita Jail to register individuals to vote. Many people with criminal convictions mistakenly believe that they cannot vote and this simply is not true. To date, we have registered over 400 people.

*Q: What's the Alameda County public defender's office's focal point for reform?*

A: We need to make sure our juries are truly diverse, and that means allowing people with felony convictions to serve. A jury of your peers is a falsehood for many of our clients. California Code of Civil Procedure Section 203 forbids people with felony convictions from serving on juries, no matter how old the conviction is, no matter if the person has successfully completed probation or parole, and even if the old crime is no longer a felony. Essentially, one felony conviction serves as a lifetime ban from jury service. In California, a third of African American men are prohibited from serving on criminal or civil juries. This racist, outdated rule must be changed and our office is ready to lead the charge.

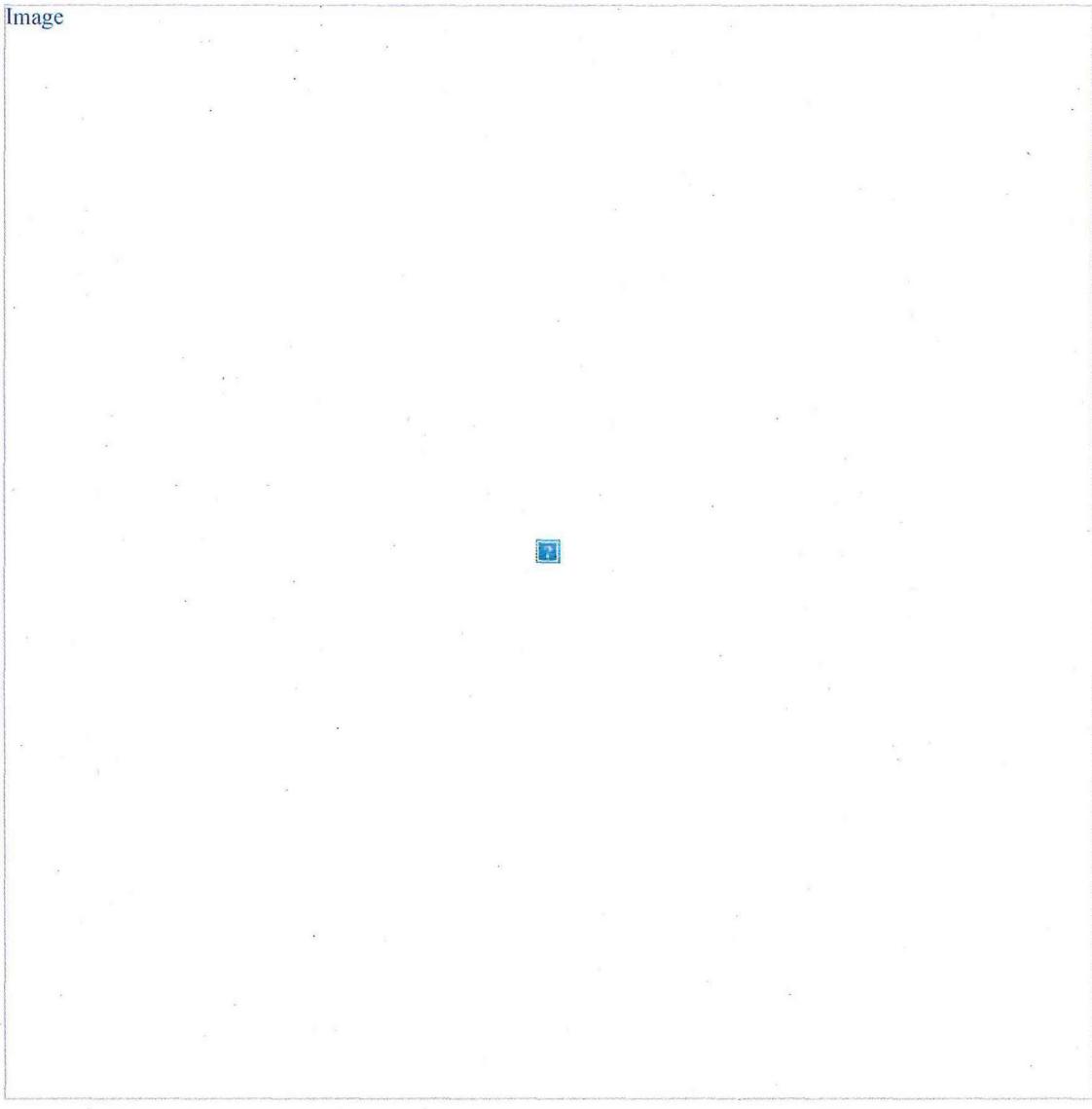
*The Scanner is a weekly feature from The Chronicle's breaking news team featuring stories from the crime beat. Follow the team on Twitter:*

*@meganrcassidy @EvanSernoffsky @SarRavani @ctuan  
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**From:** Jeff Clayton  
**To:** Scott\_William\_Cheif (POL)  
**Subject:** CA Senate Bill 10 "Bail Reform" – Hollow Hope with Expansion of Preventative Detention & Biased Pretrial Risk Assessments  
**Date:** Friday, August 17, 2018 2:04:54 PM

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Image



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Senate Bill 10 "Bail Reform" has rapidly gone 180 degrees in another direction, creating hollow hope of preventative detention along with a risk assessment judicial regulatory nightmare.

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Having finally seen [the draft](#) that has alarmed the former coalition that supported and now is vehemently opposing Senate Bill 10, we have to say: **WE GET IT.**

This legislation is such a monstrosity riddled with so many unanswered questions that we seriously doubt it could even be implemented in California. At the press conference announcing the landmark approval of the legislation in the Assembly Committee on Appropriations, the sponsors of the legislation noted that the legislation would end money bail once and for all, and implement the "Washington, D.C. system" which would cost California hundreds and hundreds of millions of dollars.

Let's start with the expansion of preventative detention to those labeled as "high risk," meaning detention with no bail or release at all. The legislation purports to use a bizarre, unexplainable, and highly legally problematic judicial policy-making approach to sorting people into categories of low, medium and high risk. Those deemed high risk get no bail—they get detention. Obviously, there's the thinking that prosecutors and law enforcement, who are always assumed to be lock 'em up minded, will instantly jump on the bandwagon after opposing SB-10 thus far. Not so fast. Preventative detention is generally hollow hope.

First, there does not seem to be any up-front resources provided to prosecutors or public defenders wherein the prosecutor will have to prove by clear and convincing evidence that someone is a flight risk or will be a danger to the community in every case or otherwise that person is released on their own recognizance, with or without supervision by a pretrial program or a probation department. With resources, preventative detention rates will vary widely by county, and tend to increase over time. In New Jersey, for example, motions were filed to detain in 52% of all cases with a success rate of 36% in the first 6-months in 2018. Alarmingly, this is up from the first full year of bail reform in 2017 for New Jersey where motions were filed in 44% of all cases, with a success rate of 42%. Since the implementation of bail reform in New Jersey, a state 1/5 the size of California, 12,194 defendants have been preventatively detained without any option of release in the first 18 months.

In the federal system, 70% of defendants get preventative detention. Without resources, prosecutors will be powerless to stop dangerous persons getting out, as in the recent compound case in New Mexico.

Because the bill is silent on this point, it is hard to say what would happen.

Second, the legislation failed to enact procedural safeguards that would require all of those detained to be tried within 90 days, which will cripple the judicial system in California.

Preventative detention, approved by the U.S. Supreme Court, in *U.S. v. Salerno*, was a landmark decision authorizing preventative detention pursuant to the Bail Reform Act of 1984, **over the objection of the ACLU** (and dissent of Justice Thurgood Marshall). Yet, one key part of the decision is ignored in Senate Bill 10 and will cause a complete system break-down. The Supreme Court held that preventative detention was allowable premised on the speedy trial requirement that all persons detained shall be tried within 90 days. Since Senate Bill 10 only allows persons to be in jail if the prosecution has filed for and been granted preventative detention, then all cases will have to be tried within 90 days. That is a huge burden on judges, the police, prosecutors and defenders.

Now, let's turn to the jungle of judicial regulation that is going to be the risk assessment process. The Courts are going to convene a three judge and four other person panel to decide the low, medium and high-risk thresholds, thresholds which will prove ultimately be arbitrary and indefensible. Then, local governments can pick the risk assessment of their choosing to plug into that framework. They are also permitted to use a numerical scoring system, and somehow this plugs into this framework. Therefore, we are going to base whether someone gets preventative detention by defining high risk as high risk. That is complete nonsense.

**RELATED:** [Over 100 National Organizations Deal A Stunning Rebuke to Pretrial Risk Assessment Tools](#)

115 civil rights groups called for the end of risk assessments in bail and pretrial release, and this legislation represents a codification of the risk assessment regime for all time. Instead, all of the problems cited by those groups, in addition to the idea that a seven person judicially appointed board is going to calibrate a risk assessment that is going to administratively decide who gets temporarily detained and preventatively detained and who gets ankle monitors and pre-conviction probation supervision.

The risk assessment regime contemplated in the amended version of Senate Bill 10 truly is an Orwellian criminal justice nightmare. The State of California is really going to base all bail decisions based on the results of a computer score that we translate into low, medium or high risk? That is the antithesis of individual consideration, and will lock the system permanently in the past by using risk assessments that will pigeonhole people into the three categories based on past historical data.

The words of noted civil rights Professor Daniel Freed, testifying against the Federal Bail Reform Act of 1984, upon which Senate Bill 10 is based are worth remembering. Said Freed:

*"What I basically would like to know is what is new about the problem of crime on bail and about the ability or inability of the bail system to deal with it that generates so much smoke and so much eloquence in favor of a detention statute, that is missing if one takes a look at the history of bail."*

*"If you authorize the denial of bail in noncapital cases, you will, after 192 years, be changing Federal law, and before you reach the question of constitutionality—after all, the eighth amendment was enacted by the same Congress that enacted the Judiciary Act—the question is, What do you know today that Congressmen didn't know in 1789 and that magistrates and judges in this country in colonial times, and in England long before, didn't know?"*

***"What is it that is new about dangerousness that requires a finding, a judicial finding that an unconvicted person is dangerous? I think such a finding would be a very unfortunate requirement to insert in Federal law. If you authorize and require a Federal judge, for the purpose of detaining a noncapital defendant, to find that he or she is dangerous, you are imposing a penalty which no subsequent trial can remove."***

*"If that defendant is acquitted or not convicted, there will remain on the defendant's record forever a finding that he or she was dangerous, made on the first day or the second day or the third day after arrest without ever weighing the facts in the pending case, and of course without having any facts on which you could predict dangerousness in the future. I think it is a totally unnecessary and harmful finding to make."*

Instead, Senate Bill 10 tries to split the baby by dangling out the false hope of preventative detention to law enforcement groups, dangling out the risk assessment process rejected as harmful and unfair, all in the name of getting rid of the right to money bail.

Last we checked the right to bail was still a state and federal constitutional right in California that mere legislation could not undo.

Jeff Clayton  
Executive Director  
American Bail Coalition

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More about the American Bail Coalition...

The American Bail Coalition is the national trade association of commercial bail insurance underwriters whose members are responsible for underwriting criminal bail bonds throughout the United States of America.

The Coalition's primary focus is to protect the constitutional right to bail by working with local and state policymakers to bring best practices to the system of release from custody pending trial.

Jeff Clayton, Esq. is the Executive Director/Policy Director and can be reached at [jclayton@americanbail.org](mailto:jclayton@americanbail.org) or (877) 958-6628.

[Visit the American Bail Coalition](#)



**From:** Rick Myers  
**To:** [rm@majorcitieschiefs.com](mailto:rm@majorcitieschiefs.com)  
**Subject:** FW: Position Announcement: Commissioner, Baltimore Police Department  
**Date:** Friday, July 20, 2018 10:30:42 AM

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All PELI alumni have already received this, but in case any of you or your staffs are interested.....

Richard W. "Rick" Myers  
Executive Director  
Major Cities Chiefs Association



## JOB ANNOUNCEMENT

BALTIMORE, MARYLAND

POLICE COMMISSIONER

The City of Baltimore seeks highly qualified applicants for a transformational leadership position of Police Commissioner. The position offers a unique opportunity to further develop a leading police agency, continue constitutional and effective police reform efforts under a federal district court Consent Decree, foster the further reduction of historically high levels of violent crime while rebuilding community trust and accountability, integrity, and stability within the agency. This is a challenging position in a profession that is among the most difficult in the nation. The rewards for the successful police commissioner are substantial.

Baltimore is the nation's 30<sup>th</sup> largest city, with a population of 611,000 within ninety-two square miles, including eleven square miles of waterways. Baltimore is a diverse and vibrant community with exceptional natural and community attributes. Forty miles northeast of Washington, DC, Baltimore is the second largest seaport in the Mid-Atlantic and the principal city in the Washington Baltimore combined statistical area (CSA), the fourth largest in the nation. Baltimore is known for its rich cultural history, its educational and medical institutions, creative and business communities, and professional sports teams.

Baltimore is a City of neighborhoods and contrasts. The City's economic base was founded on industry including railroads, steel and shipping. Since the 1950s, Baltimore's economy has shifted toward a service economy. The City's population is 611,000. Development and growth thrive in parts of the City, notably on its extensive waterfront; other areas of the City, however, struggle with crime that is concentrated in areas of high poverty. According to the 2010 census, the racial and ethnic breakdown of the City was: Black: 63.7%, White: 29.6%, Hispanic: 4.2%, Asian 2.3% and other racial and ethnic groups: 3.3%.

The Police Department and the Police Commissioner have broad support from the community, including its political leaders, and its business and professional communities. In the wake of recent challenges, Baltimore offers its next Police Commissioner the support and opportunity to establish meaningful change processes that bring best police practices to this community

and strengthen the police department.

### **City Government**

Baltimore is an independent city surrounded by two separate and independent municipal jurisdictions: Baltimore County and Anne Arundel County. Mayor Catherine Pugh was elected to a four-year term in 2016 and took office in December 2016. The City has a strong mayor form of government with its elected mayor responsible for the day to day operations of the City. Public safety and police reform have been a core focus of Mayor Pugh's administration.

### **The Police Department**

The Police Department of Baltimore City (BPD) is one of the largest police departments in the nation. BPD is a state agency and a separate legal entity from the City of Baltimore, which funds its operations. BPD currently employs 2,519 sworn officers and 444 non-sworn personnel. There are 102 vacant sworn positions and BPD is actively recruiting for those positions. The City's FY19 police budget of \$551M includes funding to add 100 more sworn officers.

With support from the city, community and private resources, the new commissioner will have the opportunity to establish a new approach that focuses on creating a team to address the multi-faceted challenges facing the department. Currently, the agency operates with one Commissioner, one Deputy Commissioner, six Colonels, six Lieutenant Colonels, twenty-five Majors, fifteen Captains, 101 Lieutenants, 336 Sergeants and 2,028 Police Officers. Police Officers, Police Agents and Flight Officers are represented by Unit I of the Fraternal Order of Police, Inc.; Sergeants and Lieutenants are represented by Unit II of the Fraternal Order of Police, Inc.

The Police Commissioner is appointed by the Mayor, with the appointment subject to confirmation by the Baltimore City Council. The Police Commissioner is a direct report to the Mayor. As chief executive officer of the Department, the Police Commissioner is the departmental authority in all matters of strategy, policy, operations, and discipline.

### **The Ideal Candidate for Police Commissioner**

The City is seeking a can-do, reform minded and proven leader with exceptional management, interpersonal, and communication skills and demonstrated experience in developing and maintaining effective working relationships with community and civic groups (including private-sector partners), police department employees and government leaders. Experience working through a consent decree, in a community that has residents who suffer from strained relationships with police together with high crime, poverty and public health challenges in a large City and in a tense labor relations environment is highly preferred.

The successful candidate will have the ability to form and lead strong, effective teams; develop efficient administrative processes that support an organization's mission; a track record for effective team management and results-driven leadership; the ability to grow, strengthen and ensure the agency's sustainability; a strong ability to organize effectively, delegate responsibility, solve problems quickly and communicate clearly. The next Commissioner will be expected to expand upon progress made under the Consent Decree approved by the U.S. District Court in April 2017. The successful candidate must foster

integrity within the Department through leading by example, setting the tone at the top and strengthening the culture of fairness and respect throughout the agency while emphasizing improved police community relations. The successful candidate will further development of innovative policing practices and community engagement efforts of the Department, and have a proven track record of openness, transparency, and working with diverse communities. The successful candidate will be well versed in best practices in policing, and have the ability to work collaboratively with the Mayor, the City Law Department (headed by the City Solicitor appointed by the Mayor), the Office of the State's Attorney, and other agencies to address issues of public safety in a holistic, inclusive, democratic governing environment.

The position requires a bachelor's degree. A master's degree in criminal justice, police administration, business administration, or related field is strongly preferred. A minimum of ten years of progressively responsible law enforcement experience is required, no less than five of which shall have been in a supervisory capacity. An equivalent combination of education and experience that provides the necessary knowledge, skills and abilities to perform the job will be considered. Additional specialized education, such as the FBI National Academy, is desirable.

Once appointed, the Police Commissioner must obtain police certification in the State of Maryland. Residency in Baltimore City is a requirement.

#### **Compensation**

The City will offer a competitive compensation package with terms of employment that will support its commitment to a new approach to police management that will distinguish BPD as a model agency. The City offers an excellent benefits package, including participation in the City's sponsored defined benefit pension plan, strong health insurance coverage, a 457 deferred compensation plan, and other features.

#### **How to Apply**

For immediate consideration, candidates should send a cover letter, résumé, and a list of five references by August 17, 2018 to:

Andre M. Davis

City Solicitor

Department of Law

100 North Holliday Street, Suite 101

Baltimore, Maryland 21202

[Andre.Davis@baltimorecity.gov](mailto:Andre.Davis@baltimorecity.gov)

**The position is open until filled. Expressions of interest and applications will be received and maintained in strict confidence.**

**The City of Baltimore is an Equal Opportunity Employer and is dedicated to maintaining a diverse workforce.**

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This email was sent to [richardwmyers@gmail.com](mailto:richardwmyers@gmail.com) by [bcockrell@policeforum.org](mailto:bcockrell@policeforum.org)

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**From:** Stevenson, David (POL)  
**To:** Scott, William Chief (POL); Moser, Bob (POL); Redmond, Michael (POL); Perea, Daniel (POL); Mannix, Ann (POL); Fong, Daryl (POL); Caltagirone, Gaetano (POL); Ford, Steve (POL)  
**Cc:** Andraychak, Michael (POL); Gatpandan, Grace (POL); Linnane, Giselle (POL); Rueca, Robert (POL); Tomlinson, Joseph (POL)  
**Subject:** Protest set for Tuesday, May 29 at HOJ  
**Date:** Friday, May 25, 2018 3:58:11 PM

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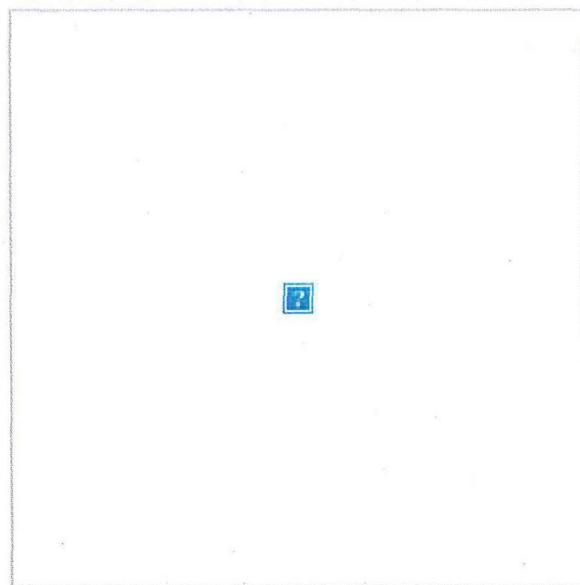
<http://sfbayview.com/2018/05/san-francisco-district-attorney-george-gascon-refuses-to-charge-cops-who-killed-mario-woods-or-luis-gongora-pat/>

## San Francisco District Attorney George Gascón refuses to charge cops who killed Mario Woods or Luis Gongora Pat

*May 24, 2018*

Spread the word: **Protest and press conference Tuesday, May 29, 12 noon, at 850 Bryant, San Francisco,** organized by **Wealth and Disparities in the Black Community – Justice 4 Mario Woods**, joined by **Justice 4 Luis Gongora Coalition**, civil rights attorney John Burris, Showing Up for Racial Justice (SURJ) SF, Showing Up for Racial Justice (SURJ) Bay Area, San Francisco Democratic Socialists of America, San Francisco for Democracy, Indivisible SF, SF Berniecrats, Harvey Milk Democratic Club and families of victims of police violence, including the Gongora family and Rick and Julie Perez, parents of Pedie Perez, murdered by Richmond police in 2014

*by Wealth and Disparities in the Black Community – Justice 4 Mario Woods*



We are enraged and disheartened by the cowardly decision of the San Francisco District Attorney George Gascón NOT to file charges against the officers who killed Mario Woods. Charges for killer cops are among the three demands we have made since our start in December 2015.

We are enraged, yet how can we be surprised at this "decision" when this DA has never – not once, in all of his tenure, and all of the egregious cases during his watch – filed any charges against officers who kill. Further to that point, DA Gascón also announced today that he will not seek charges in the killing by officers of Luis Gongora Pat.

Again and again SFPD kills, and its accounts of events are proven false by witnesses, autopsy reports, audio recordings and, in the case of Mario, even videos of the entire event that directly contradict police accounts. The video clearly

'Prosecute Killer Cops' art by Eesuu



2016

sfbayview.com

"Prosecute  
Killer Cops" –  
Art: Eesuu 2016

"Prosecute Killer Cops" – Art: Eesuu 2016

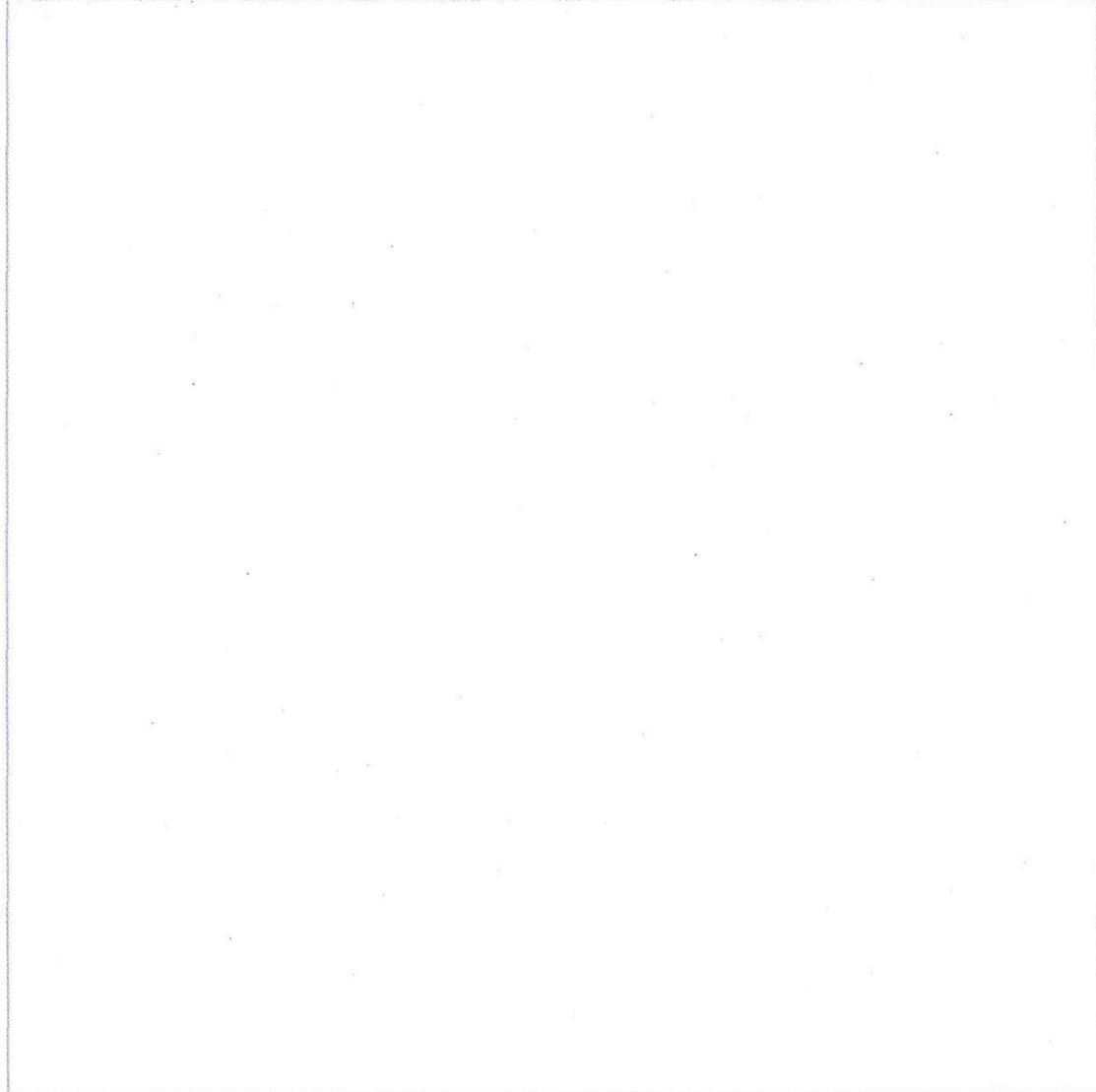
shows Mario, a young man of small stature, attempting to move away from numerous officers. He was no threat to the police who chose to annihilate him in a hail of 41 bullets. And still, it wasn't enough for career cop Gascón to file charges.

Gwen Woods, Mario's mom, refused DA Gascón's request to meet – knowing that he would default to what he's always done: failing her, failing her family, and failing the Black community in his failure to file charges. She refused to listen to her

son be executed all over again with the words from Gascón: "No charges."

We will not stand for this "decision." We've long seen it coming and our demands have always included charges for the killer cops who executed Mario.

This decision means that those cops who saw fit to perform a firing squad style execution of Mario Woods are allowed back onto the streets to police Black and Brown communities. It means San Francisco defies public outcry and the public will, and it's a clear dereliction of duty by this DA.



## Mario Woods' mom Gwen Woods appeals to DA Gascón at forum 1217, web

[sfbayview.com](http://sfbayview.com)

Gwen Woods, Mario's mom, appeals to District Attorney Gascón during a December 2017 forum.

Gwen Woods, Mario's mom, appeals to District Attorney Gascón during a December 2017 forum.

Join Wealth and Disparities in the Black Community – Justice 4 Mario Woods and our allies, San Francisco

Democratic Socialists of America, San Francisco for Democracy, Showing Up for Racial Justice SF, Showing Up for Racial Justice Bay Area, SF Berniecrats, Indivisible SF, the Harvey Milk Democratic Club, Justice 4 Luis Gongora Coalition, civil rights attorney John Burris and families victimized by police violence at noon on Tuesday, May 29, at 850 Bryant to express our discontent and to rally for further steps as we continue, more strongly than ever, to seek #Justice4MarioWoods and justice for all victims of police violence.

*Wealth and Disparities in the Black Community – Justice 4 Mario Woods meets every Thursday, 6-8 p.m., at 5600A Third St., San Francisco and can be reached at mwjusticenow@gmail.com.*

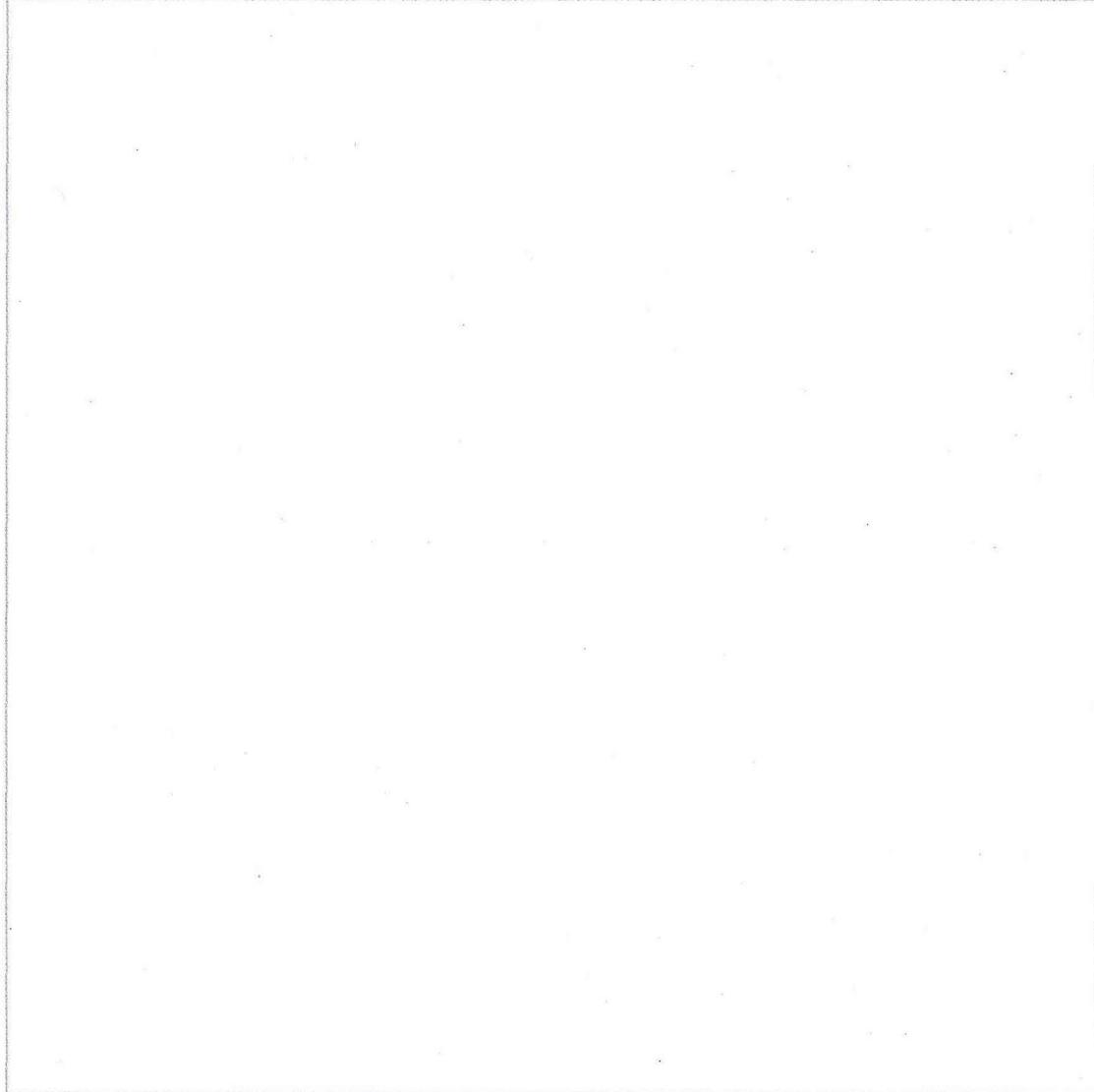
### **Statement by San Francisco Public Defender Jeff Adachi**

A hail of bullets is not an appropriate police response to people suffering mental health crises. In both the Woods and Gongora killings, officers were not in immediate danger when they fired their weapons.

The San Francisco District Attorney's decision not to prosecute any officer on any charge is mindboggling and fails to hold police to the same laws we, as citizens, are expected to abide. To date, not a single officer in San Francisco has ever been criminally charged as the result of shooting a citizen, yet citizens are charged with crimes every day despite prosecutors being unable to prove their guilt beyond a reasonable doubt.

It is clear prosecutors are using a different standard in judging police officers' conduct. The reforms proposed by the Department of Justice's review are empty promises without officer accountability.

*The San Francisco Public Defender's Office can be reached at Tamara.Aparton@sfgov.org.*



## Wealth and Disparities in the Black Community – Justice 4 Mario Woods rally outside 850 Bryant

[sfbayview.com](http://sfbayview.com)

Wealth and Disparities in the Black Community – Justice 4 Mario Woods leads a rally at 850 Bryant, home to the District Attorney's Office and the County Jail.

Wealth and Disparities in the Black Community – Justice 4 Mario Woods leads a rally at 850 Bryant, home to the

District Attorney's Office and the County Jail.

## **Statement by District 10 Supervisor Malia Cohen**

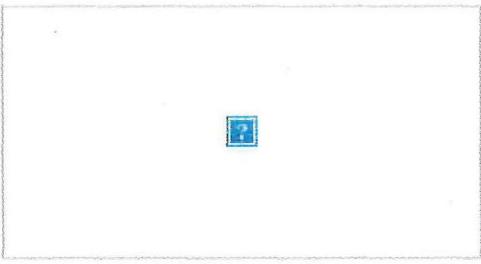
It is with sadness, disappointment and great frustration that I share news that District Attorney George Gascón has determined he is unable to charge the officers involved in the fatal shootings of Mario Woods and Luis Gongora Pat.

I find it absurd that two and a half years passed before this decision was shared with the public.

I have personally fought to give the DA's office additional taxpayer funding for investigative units to bring indictments, in hopes of bringing more results and justice across the board.

Decisions like this only serve to undermine community-police relationships and communicate that we do not exist in a fair and equal judicial system. Instead, we seemingly hold the transgressions of police officers to a different standard of justice than the one we hold for all other citizens.

I continue to offer my condolences, not only to the families of Mario and Luis, but to the countless other families and survivors of police violence who remain outraged that our City's decision makers prove incapable of upholding a simple principle: liberty and justice for all.



Memorial photos of Mario Woods and Luis Gongora Pat

[sfbayview.com](http://sfbayview.com)

Memorial photos of Mario Woods and Luis Gongora Pat

Memorial photos of Mario Woods and Luis Gongora Pat

**Statement by Racial Justice Committee Chairperson Demarris Evans  
of the San Francisco Public Defender's Office**

The failure of the district attorney to pursue accountability for the police killings of Mario Woods and Luis Gongora Pat is another message to the San Francisco community that Black and Brown lives do not matter. The video footage of Mario Woods' murder clearly showed that killing him was excessive force gone mad.

There were numerous alternatives to this SFPD firing squad. There was no effort made to de-escalate and to spare his life. The lack of any attempt to seek justice and hold any officers accountable for this shooting is completely unacceptable.

A similar analysis applies to the police killing of Luis Gongora Pat. Police shot him within seconds of exiting their vehicle. Both of these killings were completely avoidable and the failure of the district attorney to let the citizens of San Francisco decide whether or not there is criminal liability is nothing more than a coverup for racist killer cops.

All lives do not matter as long as Black and Brown bodies are gunned down by police with impunity. This decision by the San Francisco district attorney pours salt on the wounds of people of color in San Francisco who are barely healing from the trauma of seeing people who look like them consistently being gunned down in cold blood by the very officers who are supposed to protect them.

*Contact Deputy Public Defender Demarris R. Evans at 555 Seventh St., San Francisco, CA 94103 or 415-553-9350.*

David Stevenson  
Director of Strategic Communications  
San Francisco Police Department  
1245 3rd Street, 6th Floor  
San Francisco, CA 94158  
(415)837-7242 Desk  
(415)307-6524 Cell  
(415)575-6083 Fax

**From:** Bell, Marcia (LLB)  
**To:** Adachi, Jeff (PDR); Alfaro, Nancy (ADM); Arntz, John (REG); Callahan, Micki (HRD); Cisneros, Jose (TTX); DeCaigny, Tom (ART); Dick-Endrizzi, Regina (ECN); Garcia, Barbara (DPH); Gascon, George (DAT); Goldstein, Cynthia (BOA); Hart, Amy (ADM); Herrera, Luis (LIB); Hinton, Anne (HSA); Huish, Jay (RET); Johnston, Jennifer (ADM); Katz, Rebecca (ADM); Kronenberg, Anne (DEM); Noguchi, John (ADM); Pon, Adrienne (ADM); Saez, Mirian (ADM); Schulman, Kary (ADM); Sparks, Theresa (ADM); Su, Maria (CHF); Suhr, Greg (POL); Wolf, Delene (RNT); MYR-All Department Head Assistant; MYR-ALL Department Heads; Peskin, Aaron (BOS); Farrell, Mark (MYR); Sheehy, Jeff (BOS); Yee, Norman (BOS); Tang, Katy (BOS); Safai, Ahsha (BOS); Ronen, Hillary; Kim, Jane (BOS); Fewer, Sandra (BOS); Cohen, Malia (BOS); Breed, London (BOS); Chan, Yoyo (BOS); Roxas, Samantha (BOS); Pagoulatos, Nick (BOS); Lee, Ivy (BOS); Angulo, Sunny (BOS); Lee, Judy (BOS); Summers, Ashley (BOS); Low, Jennifer (TIS)  
**Subject:** Law Library Free Seminars in March  
**Date:** Monday, March 5, 2018 12:40:08 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)

Kindly pass along this information about free lunch time programs to your staff and constituents.

Thank you,  
Marcia

Marcia R. Bell | Director, San Francisco Law Library  
1145 Market St., 4<sup>th</sup> Floor | San Francisco, CA 94103  
(415)554-1792 (Direct) | [marcia.bell@sfgov.org](mailto:marcia.bell@sfgov.org) | [www.sflawlibrary.org](http://www.sflawlibrary.org)



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## San Francisco Law Library E-Update

Volume 7, Issue 3

March 1, 2018

### In this Issue:

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[Examining Experts  
MCLE](#)

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Governance and Judicial  
Power](#)

San Francisco Law  
Library

### Free Lunchtime MCLE Programs

The San Francisco Law Library invites you to our [Lunchtime Speakers' Program](#), at 1145 Market Street, 4<sup>th</sup> Floor, in the Law Library Seminar Room. All programs are free and open to everyone.

**Wednesday, March 14, Noon to 1:00pm  
Elder Financial Abuse: A Budding Revolution in  
Estate Litigation  
Presented by Michael Hackard, Hackard Law  
1 Hour free MCLE**

As the baby boomer generation rapidly ages into retirement, elder financial abuse threatens to become a national epidemic. If not addressed early and aggressively, this unique form of exploitation can tear families apart, leaving shattered relationships and depleted bank accounts in its wake. Michael Hackard draws from four decades of legal experience to advise

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professionals what elder financial abuse is, how to identify it, and—most importantly—what to do if abuse is suspected.

**Wednesday, March 21, 2018, Noon to 1:00pm**

**Copyrights in the Fashion Business . . .**

**It All Depends**

**Presented by Anne Kearns, Esq.**

**Anne Kearns Law**

**1 Hour free MCLE**

What is copyrightable in fashion is confusing. Pants and shirts are not copyrightable, but certain features, like the print on fabric might be. Watches aren't copyrightable, but jewelry is. Costumes aren't copyrightable, but masks are. The distinction is often blurred, and lawyers often get creative with how they argue copyrightability. This presentation addresses copyright protection in fashion and the recent U.S. Supreme Court decision, *Star Athletica, L.L.C. v. Varsity Brands, Inc.*, 137 S. Ct. 1002 (2017) which took this issue head on. There will be discussion about other pending cases and how far copyrightability in fashion can be stretched.

**Thursday, March 29, 2018 , Noon to 1:00**

**Tips for Examining Experts At Deposition & Trial  
from the Plaintiff, Defendant &  
Judge Perspectives**

**Co-sponsored with**

**1 Hour free Participatory MCLE Credit**

**To those attending at**

**The San Francisco Law Library**

**Also available via WebEx live stream by CEB**

**Hon. Stephen Freccero**

**Marin County Superior Court**

**Eugene Illovsy, Illovsy Law Office, Oakland**

**Stuart Plunkett, Baker Botts LLP, San Francisco**

This one hour webinar will arm you with specific techniques to get the most out of taking and defending expert depositions and to be more effective at presenting and cross-examining expert witnesses in trial. Plan to join Judge Stephen Freccero and noted trial attorneys Eugene Illovsy and Stuart Plunkett, as they discuss these and other tips. You will learn, among other things:

- Pointers for preparing your expert for deposition
- Deposition strategies for pinning down opposing experts' opinions and setting up Daubert challenges
- What makes an expert effective before the judge and jury
- In trial, how to match the style of examination with the type of expert.

Find out more about our [Lunchtime Speakers Program](#) and [MCLE at the San Francisco Law Library](#).

The San Francisco Law Library is a multiple activity MCLE provider approved by the State Bar of California.

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in family law and  
estate planning. Thank  
you for your support!

## Law Library Book of the Month

### Table for 9

By

Reviewed by Ruth Geos, Reference Librarian

Although today the Supreme Court is thought of as a highly divisive collection of Justices, the truth, as deliciously revealed in *Table for 9*, is that it has actually been the food shared by the members of the Court over the years that holds it together as a community of legal thinkers.

Starting with the Supreme Court's inaugural session in 1790, then in New York, with 13 toasts at the Fraunces Tavern, the members of the Court (who originally lived and supped together in a local boardinghouse) have always lunched together, and savored shared moments of food and drink. Indeed, Chief Justice John Marshall bottled his own favorite brand of Madeira, with a Supreme Court label.

*Table for 9* is in fact a biography of the Court through food: a palatable history of these American times, and reveals so much more about the Court and its working process than the erudite opinions, splits in philosophical bent, and the major social issues the Court faces as part of its work. It is intriguing to see that currently, lunch recess on days of oral argument is one hour, in the Justices' Dining Room, where legal discussions are strictly off-limits—and the Justices pay for their own meals. Over all the years, the tradition of sharing meals, dinners, seders, welcome and farewell celebrations, has become an integral part of the Court, building a special kind of collegiality that food does best.

The late husband of Ruth Bader Ginsburg was renowned for his culinary skills and devotion to feeding the Court, but so was Justice Sandra Day O'Connor, with her Southwestern legerdemain. Chief Justice Warren Burger invented Oysters Le Burger, and Justice William O. Douglas was renowned for his martini skills. Justice Thurgood Marshall was trained to cook by his grandmother in case the law didn't work out, and Justice Harlan Fiske Stone was considered the one great gourmand of the Court, with a deep appreciation and knowledge of cheese and wine. Justice Ruth Bader Ginsburg, who contributed the foreword, makes evident that unlike her esteemed colleagues, she herself is better out of the kitchen:

I was phased out of the kitchen at an early age by my food-loving children, who appreciated that Daddy's cooking was ever so much better than Mommy's. So I will not try out the recipes in this book myself. But I will enjoy turning the pages, pausing at certain photographs, and inviting a child, or now grandchild, to make something delicious for me. Bon appetit!

Laced through with recipes, history, photos, and sidelights on the individual Justices' favorites (Justice Brandeis loved ice cream, we learn), *Table for 9* achieves the best of biography, history, cookbook, and the delights of putting all those ingredients together in the freshest possible way. Also included is a useful Appendix of Justices, 1789 to present, including the dates of appointment and service, and the name of the President appointing him or her to the Supreme Court, along with an index which allows you to jump to Pickled Pigs Feet (p.

59) or Cherry Bounce (p. 38).

## Book Review

### Constitutional Governance and Judicial Power: The History of the California Supreme Court Edited by Harry N. Scheiber

Reviewed by Kristen Brandt, Reference Assistant

In this captivating and highly readable new book, UC Berkeley School of Law professor emeritus Harry N. Scheiber and five contributing authors chronicle the evolution of the California Supreme Court, California law, and California history. *Constitutional Governance and Judicial Power* demonstrates that the state's highest court is inextricably linked to the political, socioeconomic, and cultural forces of its time.

The Court was established by Article VI of California's Constitution and held its first session on March 4, 1850, in what had been a San Francisco hotel. The first Chief Justice was Serranus Hastings, a transplant from New York and Iowa, who had formerly served as Chief Justice of Iowa's highest court. Gold was discovered on January 24, 1848, and would be a driving factor in the state's economy, population growth, and the Court itself. Of the first 27 justices, 11 came to California for reasons related to mining gold. The ensuing period included the adoption of common law, the reliance on both Spanish and Mexican legal doctrine, and the foundations of water rights and mining law. Hugh C. Murray, who became Chief Justice in 1852, authored two decisions "notorious as much for their bigoted rhetoric as for their holdings." In the opinion *In re Perkins*, the court upheld the right of out-of-state slaveholders to recover escaped enslaved persons despite California's prohibition against slavery. In *People v. Hall*, the court banned Chinese witnesses from giving evidence against white persons in criminal cases. *Hall* provided the precedent for the extension of the ban to civil cases.

Other chapters address the Court's response to California's rising industrialism, the sweeping changes ushered in by the Progressive movement, and the tremendous population and economic growth during the long tenure of Chief Justice Phil Gibson. Scheiber authors the chapter on the Liberal Era which was marked by the LA riots, school busing, gay rights, affirmative action, and more, as well as the appointment of Chief Justice Rose Bird and her eventual removal by California's voters. Final chapters explore the retrenchment of the Lucas Court and the more centrist jurisprudence and centralization of administration and funding of the state court system under Chief Justice Ronald George.

This comprehensive study of the Court's 165-year history will appeal to lawyers, legal scholars, and those with an interest in California history. *Constitutional Governance and Judicial Power* is a new addition to SF Law Library.

Links to more resources and information are available on our [SFLawlibraryBlog](#).

Questions? Please call us at 415-554-1772.

**From:** Gordon Hom  
**To:** Mannix, Ann (POL); Moser, Bob (POL); Perea, Daniel (POL); Fong, Daryl (POL); O'Connor, Dave (POL); Lazar, David (POL); Flaherty, Denise (POL); Dorgan, Dermot (POL); Vintero, Eric (POL); McEachern, Michael (POL); McEachern, Greg (POL); Latus, Gregory (POL); Hart, Jack (POL); Cherniss, Jason (POL); Ng, Julian (POL); Yin, Kirk (POL); Frazer, Lisa; Redmond, Michael (POL); Steger, Nathaniel (POL); Rainsford, Nicholas (POL); Vaswani, Rai (POL); O'Sullivan, Robert (POL); Warneke, Scott (POL); SFPDOC, (POL); Ewins, Teresa (POL); Paine, Timothy (POL); Scott, William (POL); Sawyer, Jason (POL); Gasanyan, Feliks (POL); McCarthy, William (POL); Pedrini, Christopher (POL); Anthony Damato; Lim, Oliver (POL); Gunter, Tiffany (POL); Thompson, Dack (POL)  
**Subject:** Germany gun attacks: At least two killed in Halle shootings  
**Date:** Wednesday, October 9, 2019 8:45:00 AM  
**Attachments:** [image.png](#)

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## Germany gun attacks: At least two killed in Halle shootings

35 minutes ago



**At least two people have been killed and two others injured in shootings at a kebab shop and near a synagogue in the east German city of Halle.**

One person was arrested, but police believe at least one other may have fled the area in a vehicle.

At least one gunman was seen wearing a military-style outfit carrying several weapons, witnesses say.

Reports suggest there was also a shooting incident in Landsberg, some 15km (9 miles) east of Halle.

The situation remains unclear and local residents in both areas have been told to stay inside their homes.

Two injured people with gun wounds are having surgery at Halle's university hospital, a spokesman told AFP news agency.

German federal prosecutors have said they are taking over the investigation because of the "particular importance of the case".

### What do we know about the attacks?

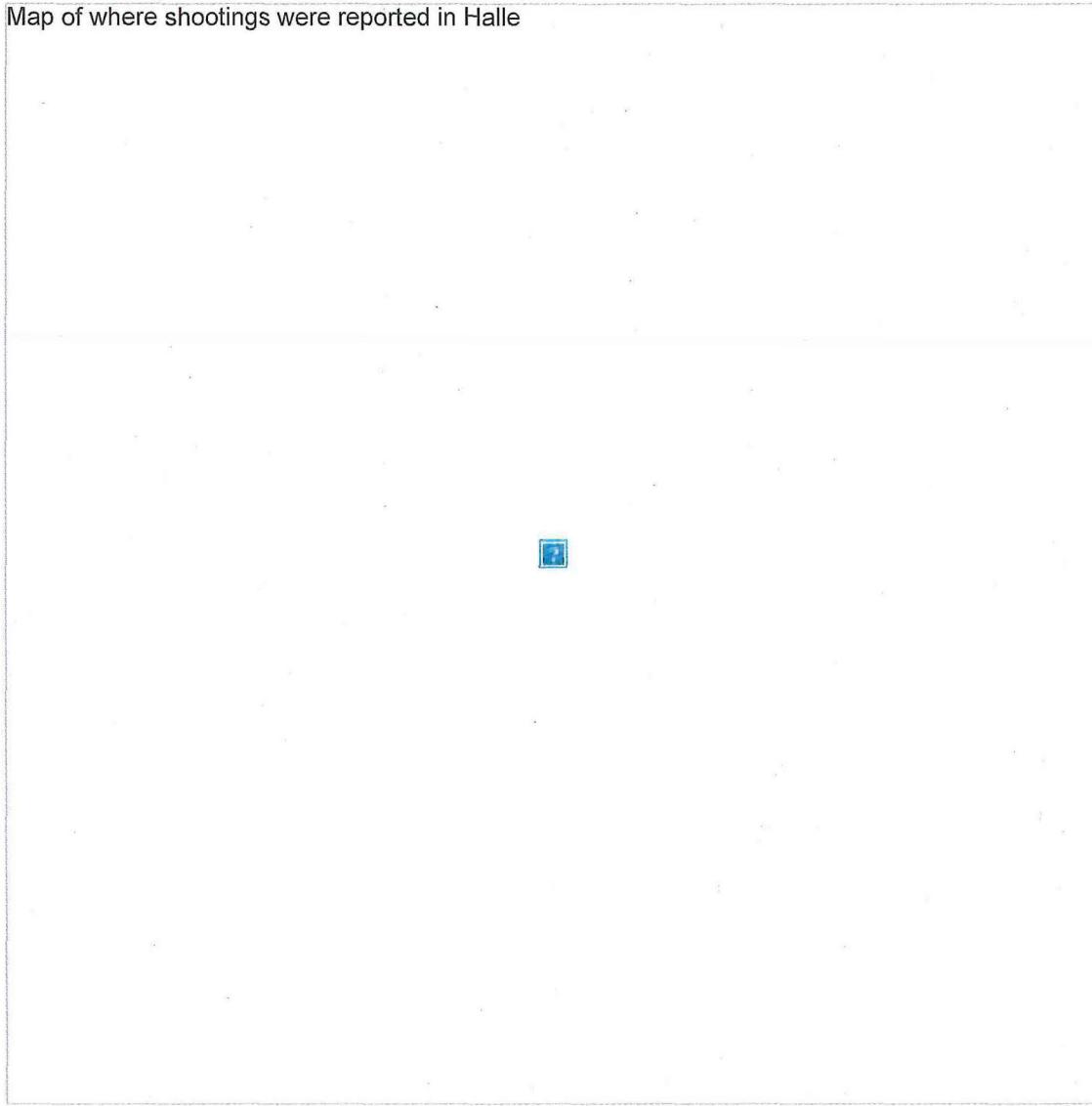
A man was killed in a Turkish kebab shop, Halle police spokesman Ralf Karlstedt said.

A second victim, who is a woman, reportedly died on a street close to a Jewish cemetery and synagogue.

- **In pictures: Germany Halle gun attack**

It remains unclear if the two attacks were carried out by the same person.

Map of where shootings were reported in Halle



Police say a suspect was arrested after fleeing the scene, but their identity and motive has not yet been released.

Max Privorotzki, leader of the local Jewish community, told Der Spiegel magazine that a gunman had tried to get into a Halle synagogue where between 70 and 80 people were inside.

One witness said one attacker "dressed like a policeman... fully armed" had thrown a petrol bomb or grenade over a cemetery wall.

The violence came as Jews celebrated Yom Kippur, Judaism's holiest day.

A witness at the kebab shop told German n-tv news that a gunman in camouflage had opened fire on the venue.

"The man came up to the doner shop, he threw something like a grenade, it didn't explode, and he opened fire with an assault rifle... I hid in the toilet," the witness told a TV reporter near the scene.

A video posted on social media appears to show at least one suspect, wearing a helmet, firing into the air from behind a car.

Amateur video shows shooting in Halle, Germany

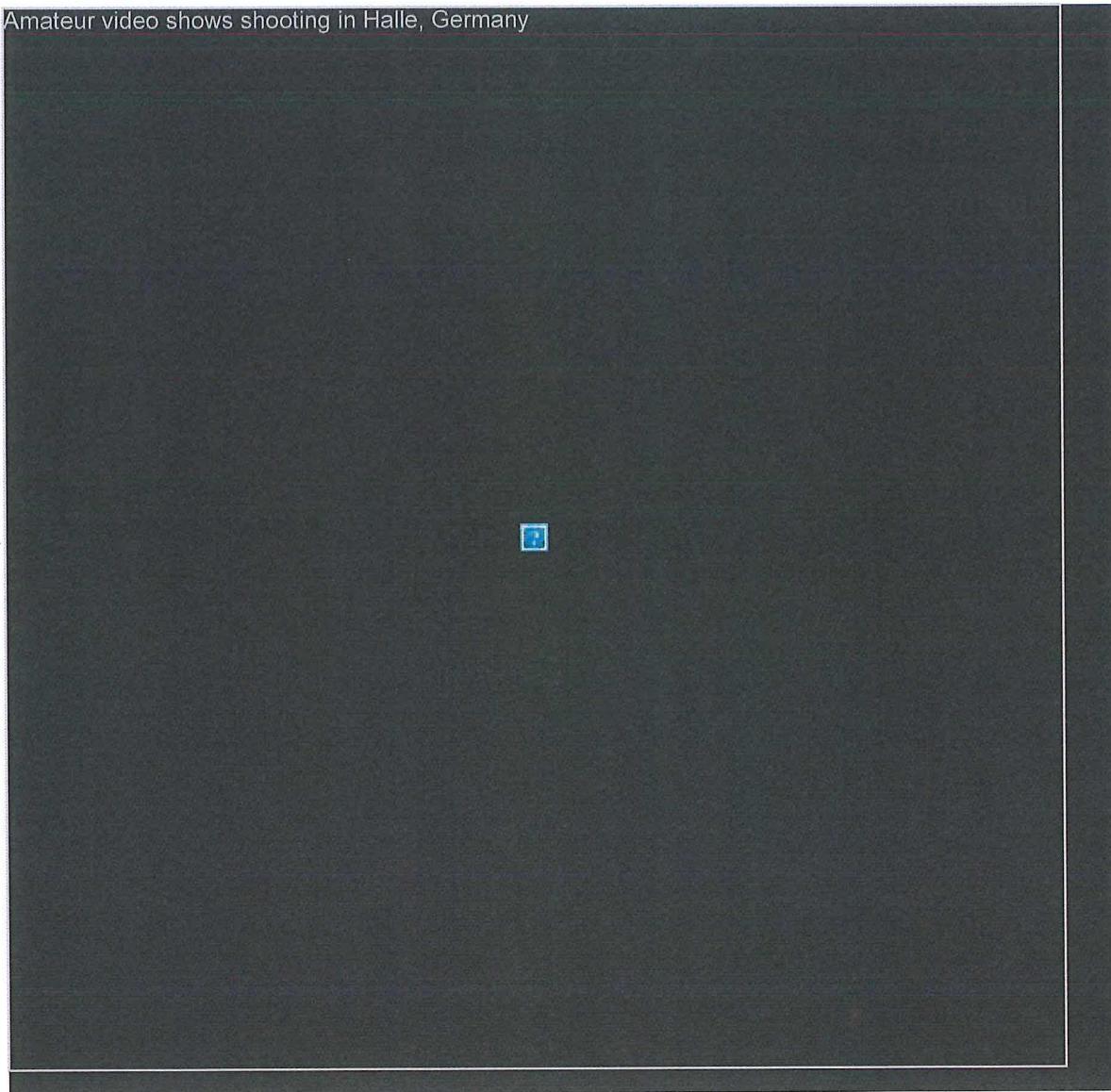


Image copyright REUTERS

Image caption

A suspect was filmed wearing a helmet shooting into a local street

Shane Smith, a tourist from New Zealand, heard six loud shots from the flat where he was staying, he told the BBC.

He later witnessed a vehicle speeding up a local road, pursued by a police car with a damaged window.

Local police have told local residents to stay calm and be wary of false reports of further incidents.

A minute's silence was held for the victims in the European Parliament in Brussels.

"Together with you, I would like to express my sympathies to the German police forces, the German people and the German Jewish community," European Parliament President David Sassoli said, leading the tribute.

<https://www.bbc.com/news/world-europe-49988482>

Police have asked the public to stay in their homes

Police say one person has been arrested after the shooting in the eastern city of Halle.

[www.bbc.com](http://www.bbc.com)

**From:** Stevenson, David (POL)  
**To:** Scott, William (POL); Moser, Bob (POL)  
**Subject:** FYI: 'You're a Bad Police Officer': Official Confronts Deputy at Awards Ceremony - The New York Times  
**Date:** Monday, September 30, 2019 9:47:38 AM  
**Attachments:** [image.png](#)

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<https://www.nytimes.com/2019/09/28/us/broward-county-deputy.html>



'You're a Bad Police Officer': Official Confronts Deputy at Awards Ceremony - The New York Times - nytimes.com

The first time that officials in a southern Florida city publicly commended county deputies for their exemplary work turned out to be memorable — but not for the reasons leaders had intended. In ...

[www.nytimes.com](http://www.nytimes.com)

## ***'You're a Bad Police Officer': Official Confronts Deputy at Awards Ceremony***

A city commissioner in Florida accused the deputy of making a false arrest in 2015.



By [Mariel Padilla](#)

Sept. 28, 2019

The first time that officials in a southern Florida city publicly commended county deputies for their exemplary work turned out to be memorable — but not for the reasons leaders had intended.

In Tamarac, Fla., about 15 miles northwest of Fort Lauderdale, [city commissioners started their meeting](#) in the City Hall chambers on Wednesday with a presentation of certificates for deputies from the Broward County Sheriff's Office, including Joshua Gallardo.

After Mayor Michelle J. Gomez and the commissioners took a group photo with the deputies, one of the commissioners, Mike Gelin, took the microphone and addressed Deputy Gallardo directly: "You probably don't remember me, but you are the police officer who falsely arrested me four years ago."

"You lied on the police report," Mr. Gelin continued, according to a video posted by the city. "I believe you are a rogue police officer. You are a bad police officer, and you don't deserve to be here."

As Mr. Gelin spoke, the mayor covered her mouth with her hand and looked down. His words were met with silence.

Ms. Gomez quickly grabbed the microphone and told the deputies that city officials appreciated "everything that you do for us." It was the first ceremony the city hosted to recognize outstanding deputies.

Deputy Gallardo nodded and gave Mr. Gelin a thumbs up before walking back to his seat.

Minutes before the confrontation, Deputy Gallardo had been named "April 2019 Deputy of the Month" for arresting a man from El Salvador who had a murder warrant and was wanted by the international law enforcement organization Interpol. Mr. Gelin, who was elected as a commissioner last year, said on Saturday that the confrontation was not planned. It was the first time he had seen Deputy Gallardo since his arrest in 2015 and his decision to say something was "in the moment," he said.

In July 2015, Mr. Gelin said he was at a Starbucks when he saw two men fighting across the street. By the time he went to help break up the fight, he said there were around 15 to 20 bystanders and several officers at the scene.

Mr. Gelin, who is black, said he was recording the scene with his phone when Deputy Gallardo, who is white, demanded that he stop. Mr. Gelin continued recording until the deputy arrested him and charged him with resisting without violence.

Deputy Gallardo wrote in a police report that he responded to a call of a victim who was bleeding from his ears and skull. Mr. Gelin, who was recording, approached the deputy from behind and was handcuffed when he refused to leave the area, the report said.

Mr. Gelin said he was in jail for nine hours, and prosecutors dropped the charge after seeing the video from his phone.

"I was profoundly affected by my wrongful arrest," he said. "It was a traumatizing experience and I think about it a lot. I had a flashback at the meeting and thought it was the right thing to do to call out the officer."

Mr. Gelin acknowledged that he could have handled the situation better on Wednesday but said that he wanted to make it a learning opportunity.

"Wrongful arrests have lifelong impacts on people and happen more than people would want to believe," Mr. Gelin said. "I need to be a voice for the people who don't feel like they have a voice or the courage to express their voice."

Since the meeting, Mr. Gelin said he had received hundreds of messages. Some have

been racist and hateful, but many have been supportive and grateful, particularly from those in minority communities.

In an email, the mayor said she believed Mr. Gelin's remarks "were highly inappropriate."

"This was neither the time nor the forum to air personal grievances," she wrote.

"This is NOT the way we treat employees or people who work for our city. There are proper channels to follow, but the commissioner chose not to use them."

Sheriff Gregory Tony met with Mr. Gelin on Wednesday after the meeting and defended the deputy, Mr. Gelin said, adding that the sheriff said he would open an internal investigation into the 2015 arrest.

Sheriff Tony and Deputy Gallardo were not immediately available to comment on Saturday.

In a statement on Friday, the Broward Sheriff's Office Deputies Association called Mr. Gelin "an insult to law enforcement."

"It is outrageous that Commissioner Gelin acted in an official capacity to berate a deputy who was just recognized for apprehending a known gang member wanted for homicide who has previously been deported," Jeff Bell, the president of the union, said.

David Stevenson  
Director of Strategic Communications  
San Francisco Police Department  
1245 3rd Street, 6th Floor  
San Francisco, CA 94158  
(415)837-7242 Desk

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From: DAVID STEVENSON [REDACTED]  
Sent: Sunday, September 29, 2019 11:39 AM  
To: Stevenson, David (POL)  
Subject: 'You're a Bad Police Officer': Official Confronts Deputy at Awards Ceremony - The New York Times

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<https://www.nytimes.com/2019/09/28/us/broward-county-deputy.html>

**From:** Stevenson, David (POL)  
**To:** Scott, William (POL); Ewins, Teresa (POL); Perea, Daniel (POL)  
**Cc:** Andrychak, Michael (POL); Tomlinson, Joseph (POL); Lobsinger, Adam (POL); Rueca, Robert (POL)  
**Subject:** Heather Knight column on traffic deaths  
**Date:** Friday, August 30, 2019 6:53:34 AM

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<https://www.sfchronicle.com/bayarea/heatherknight/article/Deaths-on-SF-s-streets-are-up-Traffic-14400751.php>

## Deaths on SF's streets are up. Traffic enforcement is down. 'It's hard to believe these aren't related'

 Heather Knight | Aug. 30, 2019 | Updated: Aug. 30, 2019 4 a.m.

7



1 of 7

Jodie Medeiros (left), executive director of pedestrian advocacy group Walk SF, and Mayor London Breed lead a group to City Hall for Walk to Work Day in April.

Photo: Paul Chinn / The Chronicle

When it comes to San Francisco's Vision Zero plan to eliminate traffic fatalities by 2024, it's hard to find any reassuring numbers.

We're five years into the 10-year goal. And yet just two-thirds into 2019, 22 people have lost their lives on the city's streets. That's one less than died in all of 2018 and two more than died in all of 2017. We're on pace to surpass the 31 deaths in 2014, the year Vision Zero began.

Counting those who've died on the freeways in city borders — which the city doesn't include in its official tally — we've actually lost 27 people on the roads this year, including 15 pedestrians.

What might help explain why we've slipped into reverse when it comes to meeting the goal of ending traffic deaths? One major factor is a dramatic drop in tickets issued to drivers by San Francisco police — a neglect that could be explained by too many unfilled vacancies in the department's traffic division and ever-changing leadership of the crucial unit.

New figures obtained by The Chronicle show the San Francisco Police Department is ticketing far fewer drivers for illegal behavior behind the wheel than it did the year Vision Zero was adopted.

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Vision Zero centers around the “three e’s” — educating users of the roads about safe behavior, engineering safer streets and, yes, enforcement by police officers.

In 2014, the department ticketed drivers for 124,870 traffic violations. So you’d think the number of tickets would have soared since then — especially considering the increase in traffic giving police plenty of fodder. You’d be wrong.

Instead, traffic tickets have dropped precipitously. Last year, the department issued just 50,895 tickets — nearly 75,000 fewer than five years before. In the first half of this year, police issued 21,931 tickets, meaning they’re on pace to see yet another drop for 2019.

Vision Zero directs the Police Department to focus its enforcement on the five most dangerous driving behaviors: speeding, failing to stop at a red light, failing to stop at a stop sign, failing to give pedestrians the right of way, and failing to yield to pedestrians while turning.

The number of citations for those specific behaviors are also distressingly low. Of all the citations handed out in 2014, 30,613 were for those five violations. While that number climbed at first, it fell off dramatically in 2018. Last year, police officers handed out just 20,154 tickets for those five violations. In the first half of this year, they handed out just 10,267.

And looking at the numbers of tickets handed out in the city's most dangerous police districts for pedestrians and bicyclists is even more alarming. While tickets handed out by the department's traffic division, which roams the whole city, aren't mapped, we do know how many citations were handed out by regular officers at district stations.

Guess how many speeding tickets Tenderloin police issued in the first six months of this year? Three. Or one every two months. And how many tickets for failing to yield to pedestrians while turning? None at all. And that's in a neighborhood known to have some of the most lethal streets in the city.

Tenderloin police aren't alone in turning a blind eye to bad driving. Police at Northern Station, which includes such busy thoroughfares as Van Ness Avenue and Franklin and Gough streets, didn't issue a single ticket for speeding or failing to yield in the first half of this year.

"It's unconscionable that a city committed to Vision Zero would allow enforcement of the most dangerous driving behaviors to drop to these astonishingly low numbers," said Jodie Medeiros, executive director of Walk SF, a pedestrian advocacy group. "There's been a lot less enforcement and a surge of pedestrian deaths. It's hard to believe these aren't related."

Janice Li, advocacy director for the San Francisco Bicycle Coalition, said the Police Department has many priorities, and it's sadly easy for traffic enforcement to fall to the bottom of the list — even if that leaves pedestrians and bicyclists at risk.

"A lot of the enforcement piece really depends on internal champions," she said.

Li said there hasn't been a champion in the department recently, considering the turnover at the top of the traffic division. The Police Department connected me to Teresa Ewins, its current commander, for answers about traffic enforcement or lack thereof. Neither she nor the department's spokesmen mentioned she's been assigned to a different post and won't hold the job as of Tuesday. Cmdr. Daniel Perea will take over the traffic division; Li counts him as the fifth person to hold the

job since Vision Zero began.

Ewins said the traffic division would be fully staffed at 80 officers, but there are only about half that number because of retirements and injuries. It appears the department hasn't prioritized filling those positions; overall, it has 192 more officers than it did in 2014.

Ewins added that traffic officers can be pulled off their assignments at any time if calls related to more serious issues come in.

"It's their job — life safety is their No. 1 thing," she said.

Ewins said traffic deaths aren't just a San Francisco problem, but that they're up nationwide, and distracted driving is a culprit — "whether it be pedestrians, bicyclists, people on scooters, skateboarders wearing headphones. Motorists are doing the same thing — they're on their phones, listening to music. Some people eat, some people put makeup on. These are all distractions, which take attention away from the road, and it creates unfortunately fatal consequences."

That seems to point to the need for more traffic enforcement — not less.

Perhaps officials realized this because at the end of June, the department created a pilot program of traffic officers charged solely with issuing "focus on the five" violations. They've issued 400 citations so far citywide.

Mayor London Breed announced Thursday she's doubling that program to eight officers and directing district stations — whose officers can also ticket drivers — to step up enforcement.

She's also directed the San Francisco Municipal Transportation Agency to issue more tickets to drivers parked or stopped in bike lanes and announced, in anticipation of Tuesday's SFMTA meeting on Vision Zero, a host of street safety improvements. Those include testing traffic-calming measures that force drivers to slow down when turning left and analyzing whether to prohibit right turns on red lights.

Advocates would like to see other changes, too. There's a continued push at the state level to allow automated speed cameras to ticket drivers going too fast without requiring police officers. The city has only 13 red light cameras now and could install more. Portland, Ore., has hired retired police officers to help with traffic enforcement and has parked empty police cars around the city to make

it look like an officer is watching.

Ewins said she supports more “pedestrian scrambles” — allowing pedestrians to cross in any direction at an intersection while all cars wait — and automated speed cameras.

“New ideas are definitely welcome,” she said. “Anything will help.”

None of this is that hard — not compared with the complexity of solving the city’s other big issues such as homelessness, untreated mental illness, drug addiction and the lack of housing.

That’s why Olivia Gamboa, a Walk SF member, San Francisco mother of two little kids and palliative care doctor, is so angry at the lack of progress toward ending traffic deaths.

“We’re talking about painting lines on pavement. ... It’s not rocket science,” she said. “The lack of alarm and lack of urgency is appalling. There are a lot of easy things that could be done quickly to vastly improve the conditions for pedestrians, and they’re just not being done.”

She vividly remembers leaving a meeting near Sutter and Divisadero streets the morning of May 2 and seeing a puddle of blood and a lot of police officers. A truck had hit 77-year-old Galina Alterman as she walked in a crosswalk, and Alterman’s body had just been removed when Gamboa came upon the scene.

“I just felt sick,” she said. “I felt really upset thinking this is an area that is next to a hospital, with medical clinics all around. There’s a ton of vulnerable pedestrians — pregnant women, elderly people, people with disabilities, children. At the same time, there’s a lot of high-speed traffic and not enough done to protect pedestrians.”

Ticketing drivers for bad behavior seems like an incredibly easy step. And it could help end scenes like the one Gamboa saw — the kind that has played out this year over and over again.

*San Francisco Chronicle columnist Heather Knight appears Sundays and Tuesdays.*

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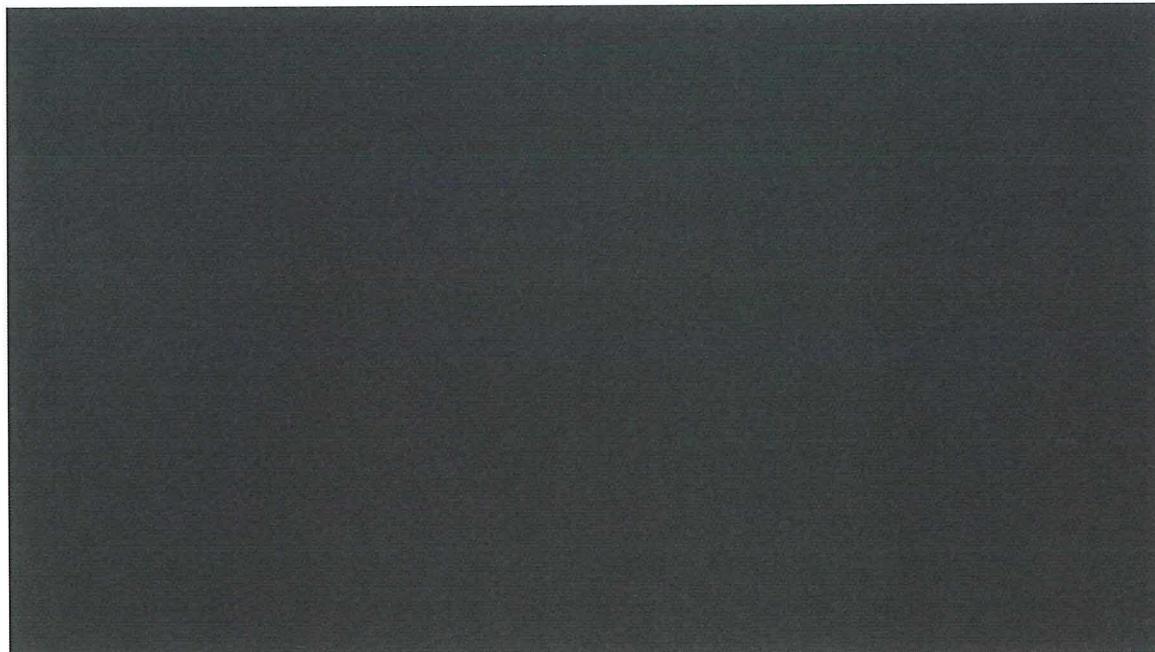
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**To:** Scott, William (POL); Yee, Greg (POL); Walsh, Peter; McEachern, Greg (POL); Mannix, Ann (POL); Perea, Daniel (POL); Fong, Daryl (POL)  
**Cc:** Andraychak, Michael (POL); Tomlinson, Joseph (POL); Lobsinger, Adam (POL); Rueca, Robert (POL)  
**Subject:** ABC7 Donati story  
**Date:** Monday, August 26, 2019 10:39:55 PM

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<https://abc7news.com/sfpd-sergeant-under-investigation-in-false-fire-alarm-incident/5494702/>

## ABC7 I-Team confronts San Francisco police sergeant accused of unlawfully pulling fire alarm



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MORE VIDEOS

A San Francisco police sergeant is under criminal investigation for allegedly pulling a false fire alarm at a police department in another city.

By Dan Noyes  
Monday, August 26, 2019 6:54PM

SAN FRANCISCO (KGO) -- A San Francisco police sergeant is under criminal investigation for allegedly pulling a false fire alarm at a police department in another city.

This might sound like a high school prank to you, but it's very serious business,

especially if a trained law enforcement professional is involved.

The Pacifica Police Department put out a "wanted" alert on Facebook earlier this month, asking for help identifying the woman who "unlawfully pulled the fire alarm" in their lobby. They've now identified her as 46-year-old Maria Donati, a San Francisco police sergeant who runs the traffic window at the Hall of Justice, where the I-Team's Dan Noyes caught up to her.

Dan Noyes: "Hey, sergeant. I'm Dan Noyes from Channel 7. I need to talk to you about the fire alarm. Can you tell me what happened?"

Sgt. Maria Donati: "No. No. I'm not talking. Thank you."

Dan Noyes: "Why not?"

Sgt. Maria Donati: "It's clear.">

People there at the time tell us Donati, a Pacifica resident, was not happy that the meeting of a citizens task force on homelessness was closed to the public, so she pulled the fire alarm. But Donati wouldn't give the I-Team her side of the story.



**Dan Noyes**

@dannoyes

Pulling a fire alarm  
without an emergency  
might sound like a high  
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**ABC7 I-Team confronts San**

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[See Dan Noyes's other Tweets](#)

Dan Noyes: "It's clear?"

Sgt. Maria Donati: "Clearly why I'm not talking."

San Mateo County District Attorney Steve Wagstaffe is considering filing misdemeanor charges that could bring six months in jail and a \$1,000 fine.

"You know, there's danger in it, you never know," Wagstaffe told the I-Team.

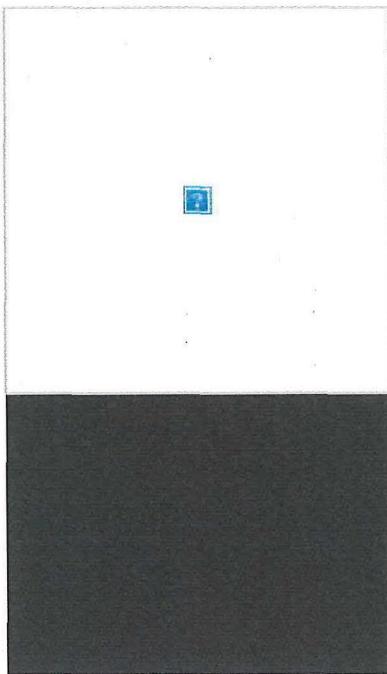
"Think of a fire department, a fire department responding to a fire alarm gets into a car accident and somebody gets hurt, there's always a potential danger, that's why it's against the law."

The SFPD told us Monday that Donati remains on the job while they conduct an administrative investigation that will be referred to Chief Bill Scott for review. Former San

Francisco police commander Rich Corriea says the case appears to show a serious lapse in judgment:

"If they're not exercising good judgment in either their personal life or on duty, that puts you on notice to look in and see if this is the right person for the job."

VIDEO: I-Team's Dan Noyes confronts SFPD sergeant accused of pulling false fire alarm



Watch as the I-Team's Dan Noyes confronts the SFPD sergeant under criminal investigation for unlawfully pulling a fire alarm at a police department in another city.

Another issue -- the I-Team pulled the emergency recordings from that day. You can hear a dispatcher call out, "Engine 72, a fire alarm manual pull, that's going to be the Pacifica PD at 2075 Cabrillo Hwy."

It was a busy evening. Serious medical calls came in; the dispatcher reports, "It's going to be a 56-year-old male with stroke symptoms."

And a 45-year-old heart patient with chest pains, a 97-year-old woman having difficulty breathing. The fire department also had to respond to this false alarm.

"72, we made contact with the Pacifica PD," said the dispatcher. "It appears there's something showing but they're requesting your assistance to silence the alarm." of Strategic Communications San Francisco Police Department 1245 3rd Street, 6th Floor Corriea told the I-Team, San Francisco, CA 94158 "You could pull an (415) 837-7242 Desk emergency vehicle out of one area and away from the next emergency that comes in and that's dangerous."

We also reached out to the San Francisco Police Officers Association, but didn't get an answer. The DA expects to make a charging decision later this week; we'll get back to you on that.

For a look at more stories and videos by the ABC7 News I-Team go [here](#).

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**Subject:** FYI: SFEx on Vis Valley Town Hall  
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<http://www.sfexaminer.com/city-police-leaders-promise-increased-safety-efforts-following-brutal-attack-visitacion-valley-senior/>

 City, police leaders promise increased safety efforts following brutal attack on Visitacion Valley senior - by I\_waxmann - January 19, 2019 - The San Francisco Examiner

[www.sfexaminer.com](http://www.sfexaminer.com)

Several Visitacion Valley community members were moved to tears when Helen Yee described the brutal attack that left her 88-year-old mother hospitalized with life-threatening injuries earlier this ...

By Laura Waxmann on January 19, 2019 5:22 pm

Several Visitacion Valley community members were moved to tears when Helen Yee described the brutal attack that left her 88-year-old mother hospitalized with life-threatening injuries earlier this month.

"She has been injured very badly — her skull and teeth are fractured. Her neck is fractured as well as her arms," said Yee, who called for more resources — and vigilance from neighbors— to prevent future attacks on residents and curtail crime in the neighborhood at a public safety meeting on Saturday morning.

Yee said that her mother, Yik Oi Huang, remains unresponsive in the hospital following her January 8 assault and "has not woken up," while her unidentified attacker is at large.

"We need to come together as a community and I want each block to have a camera, whether a personal camera or a public surveillance one," said Yee.

At the town hall held at Visitacion Valley Elementary School and attended by some four dozen residents, City, police and community leaders displayed a united front in promising to not only find the perpetrator, but to heed the community's calls for more resources toward public safety services.

Newly instated Supervisor Shamann Walton promised to bolster police staffing, address language issues, install cameras and create a dedicated police outpost in the neighborhood to prevent future acts of violence.

Huang was brutally beaten and suffered life-threatening injuries in an assault that was discovered

after officers responded to a 6:50 a.m. burglary call at her Visitacion Avenue residence. A neighbor had spotted a man inside Huang's home after seeing the front door open, and witnesses found Huang laying in a park across the street.

Police officials have released a sketch of the suspect and the San Francisco's police union is offering a \$10,000 reward for his arrest.

Captain Sergio Chin, of San Francisco Police Department Special Victims Unit, is overseeing the investigation and said at the meeting that while he cannot reveal details, his team is "fully committed to solving this crime."

Chin said that his investigators "have a lot of leads" but urged the public to come forward with more information.

Walton, who oversees the neighborhood, called for a moment of silence for Huang and her family before describing current safety efforts and offering long term solutions to what he called "a recent spike of violence" in Visitacion Valley.

"We have officers on dirt bikes riding through the community and more visibility of officers to make sure people feel safe," said Walton, adding that his office is focused on bringing a police substation to the neighborhood, which currently lacks a dedicated police station as well as a foot beat patrol officer.

Robberies and acts of violence are "not isolated to Visitacion Valley," said Board of Supervisors President Norman Yee, adding that he would support Walton in getting "whatever the community wants" in regard to resources. He suggested securing funding for residents who may not be able to afford installing private cameras.

Commander Greg McEachern, of SFPD's Investigations Bureau, said that in lieu of a foot beat patrol officer, police officials have been "re-tasking a couple of the officers" from surrounding areas to "start picking up that beat" when staffing allows. Beat officers serving the Geneva and Mission streets area are "splitting their time between that and coming down here a couple times a day."

With more funding, McEachern said that staffing could be bolstered to allow the station to "staff somebody out here all the time."

It is unclear where a police substation would be located — McEachern indicated that one could be installed "in the business corridor between Cora Street and Bayshore Boulevard."

Another option, he said, could be a mobile command van, which the department deploys in downtown San Francisco during the holidays, when crime and traffic are up.

Community advocate a Marlene Tran championed that idea.

"I think that is the most viable idea — it can go to different communities...and [police] can hear from them," said Tran.

Walton added that he would like to increase staffing on Visitacion Valley's Community Ambassadors program, which was created 10 years ago and deploys community members to provide some safety services in the neighborhood.

He also indicated that he is working to bring in "police officers who are bilingual and speak Chinese and other languages." Community advocates present at the meeting said that elderly and non-native English speakers often shy away from reporting crime due to language barriers.

Dianna Yee, one of Huang's granddaughters, said that she formed a neighborhood watch group with the help of SF Safe, a nonprofit a community crime prevention and public safety program, two years ago after the family's home was burglarized.

"Several attempted burglaries after that were prevented because of our communication with each other," she said.

Yee added communication among neighbors is often lacking because of the neighborhood's diversity, but urged residents to overcome cultural and language barriers.

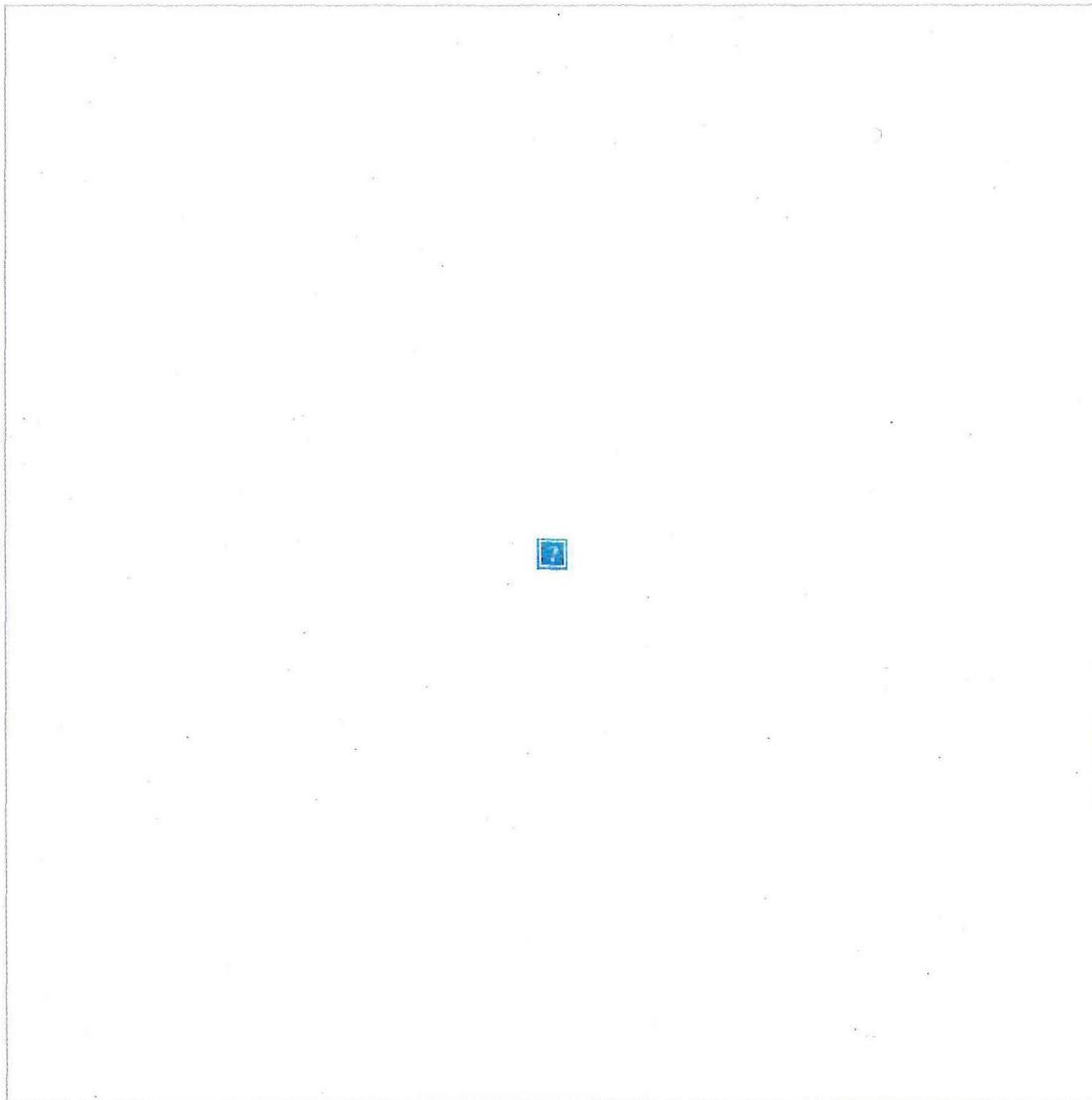
"The biggest impact we can have in creating safety is to get to know the neighbors that are different from you," she said.

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**From:** Association of Deputy District Attorneys  
**To:** Scott, William Chief (POL)  
**Subject:** An Initiative That Will Help Governor Brown Keep His Promise to Voters  
**Date:** Friday, April 27, 2018 7:43:15 AM

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## **An Initiative That Will Help Governor Brown Keep His Promise to Voters**

*By Michele Hanisee*

In past blogs we have highlighted the changes which will be made by the "[Reducing Crime and Keeping California Safe Act of 2018](#)." In recent

weeks there have been several op/eds and other commentary by opponents; noteworthy is that they have substituted invective for argument instead of providing substantive criticisms of the specific changes the initiative will make to the law.

This blog begins the process of detailing specific changes to the Penal Code made by the initiative. We start with the initiative establishing in the Penal Code what constitutes a "violent" crime for purposes of early-release consideration. This change will allow Governor Brown and Prop 57 proponents to fulfill their promise to California voters that only "non-violent" inmates would be eligible for early release under Prop 57 by fixing the drafting error in Prop 57 which prevented that promise from coming true.

Listed below are the crimes currently considered "non-violent" under Prop 57 and which the initiative will reclassify as "violent," thereby making inmates serving time in prison for these crimes ineligible for early release under Prop 57:

Every crime listed below is "violent: The Reducing Crime and Keeping California Safe Act initiative will ensure the law agrees.

- 1) **Solicitation to commit murder;**
- 2) **Felony assault with a firearm** in violation of subsections (a)(2) and (b) of Section 245;
- 3) **Felony assault with a deadly weapon** in violation of paragraph (1) of subdivision (a) of Section 245;
- 4) **Felony assault with a deadly weapon upon the person of a peace officer or firefighter** in violation of subdivisions (c) and (d) of Section 245;
- 5) **Felony assault by means of force likely to produce great bodily injury** in violation of paragraph (4) of subdivision (a) of Section 245;
- 6) **Assault with caustic chemicals** in violation of Section 244;
- 7) **False imprisonment** in violation of Section 210.5;
- 8) **Felony discharging a firearm** in violation of Section 246;
- 9) **Discharge of a firearm from a motor vehicle** in violation of subsection (c) of Section 26100;
- 10) **Felony domestic violence resulting in a traumatic condition** in violation of Section 273.5;
- 11) **Felony use of force or threats against a witness or victim of a crime** in violation of Section 140;
- 12) **Felony resisting a peace officer causing death or serious injury** in violation of Section 148.10;
- 13) **A felony hate crime** punishable pursuant to Section 422.7;
- 14) **Felony elder or dependent adult abuse** in violation of subdivision (b) of Section 368;
- 15) **Rape of a person who is mentally or physically disabled, or**

**who is unconscious, or who is prevented from resisting due to an intoxicating or anesthetic substance** in violation of paragraphs (1), (3), or (4) of subdivision (a) of Section 261;

16) **Rape of a Spouse** in violation of Section 262;

17) **Sexual penetration of a person who is mentally or physically disabled, or who is unconscious, or who is prevented from resisting due to an intoxicating or anesthetic substance** in violation of subdivision (b), (d) or (e) of Section 289;

18) **Sodomy of a person who is mentally or physically disabled, or who is unconscious, or who is prevented from resisting due to an intoxicating or anesthetic substance** in violation of subdivision (f), (g), or (i) of Section 286;

19) **Oral copulation of a person who is mentally or physically disabled, or who is unconscious, or who is prevented from resisting due to an intoxicating or anesthetic substance** in violation of subdivision (f), (g), or (i) of Section 288a;

20) **Abduction of a minor for purposes of prostitution** in violation of Section 267;

21) **Human trafficking** in violation of subdivision (a), (b), or (c) of Section 236.1;

22) **Assault on a child by a caretaker using force likely to produce great bodily injury** in violation of Section 273ab;

23) **Possessing, exploding, or igniting a destructive device** in violation of Section 18740;

24) **Two or more violations** of subsection (c) of Section 451;

25) **Any attempt to commit an offense** described in this subdivision;

26) **Any felony in which it is pled and proven that the Defendant personally used a dangerous or deadly weapon;**

27) **Any offense resulting in lifetime sex offender registration** pursuant to Sections 290 through 290.009.

28) **Any conspiracy to commit an offense** described in this Section

We eagerly wait for the apologists (or authors) of Prop 57 to provide specific reasons why any of these crimes **should not** be classified as "violent." We know the victims of those crimes would consider them to be "violent" and we are confident the overwhelming majority of Californians will agree.

The initiative changes will ensure the law reflects this common understanding of what is a "violent" crime and help Prop 57 live up to its promise that only "non-violent" inmates would benefit from early release from prison.

Given that Governor Brown has stated that it was not the intent of Prop. 57 to let violent criminals out of jail early, we eagerly await his public endorsement of this ballot initiative.

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*Michele Hanisee is President of the [Association of Deputy District](#)*

*[Attorneys](#), the collective bargaining agent representing nearly 1,000 Deputy District Attorneys who work for the County of Los Angeles. To contact a Board member, click [here](#).*

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**Subject:** FYI: SFEx on former SFPD officer released from prison  
**Date:** Thursday, April 19, 2018 5:57:58 AM

## Last of 4 former SFPD officers caught in Henry Hotel fallout released from prison

By Michael Barba on April 19, 2018 1:30 am

The last former San Francisco police officer to be released from prison on charges stemming from an FBI probe into police misconduct walked free last week, more than three years after the investigation blew the lid off a racist text scandal.

Former San Francisco Police Department veteran Edmond Robles, 50, was released from a federal prison in Sacramento on Friday, where he was sentenced to serve 39 months in March 2015 for theft, wire fraud and conspiracy.

Robles was the last former officer to remain in prison after the FBI probe into misconduct at residential hotels yielded convictions against four cops in two separate cases. Robles was part of an undercover team at Mission Police Station accused of stealing drugs and money from dealers in 2009.

Robles was convicted alongside former Sgt. Ian Furminger in December 2014 after former Officer Reynaldo Vargas pleaded guilty and testified against them. Furminger and Vargas were released in April 2017 and August 2016, respectively.

The FBI probe first began after Public Defender Jeff Adachi released surveillance footage in March 2011 showing another team of plainclothes officers barge into the room of a suspected drug dealer at the Henry Hotel on Sixth Street.

After the verdict, federal prosecutors revealed in court documents during Furminger's bail hearing that he had exchanged racist and homophobic text messages with other officers in 2011 and 2012. The revelation shocked The City.

"In some ways the scandal improved the police department," Adachi said Wednesday. "But the racism displayed in the text messages uncovered by the FBI probe still seems to be entrenched in SFPD culture."

Earlier this month, Adachi held a press conference for a Muslim officer who claimed that he faced retaliation for blowing the whistle on racism and bigotry he experienced in the department since last summer. For instance, the anonymous officer said his colleague had asked whether he knew any "towel heads."

Former officer Arshad Razzak, one of the officers in the Henry Hotel video, was found guilty in January 2015 of illegally searching the room and writing a false police report. Razzak was sentenced to 14 months in prison in August 2016 and walked free in December 2017.

"The Henry Hotel scandal was significant because of the sheer depth of police misconduct it ultimately unearthed," Adachi said. "It's almost become a parable about how infectious corruption becomes when there is no accountability."

Attorneys for all four of the former officers did not immediately respond to requests for comment.

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**Date:** Thursday, September 19, 2019 1:24:43 PM  
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FOR IMMEDIATE RELEASE

Thursday, September 19, 2019

## New Jersey Man Indicted for Terrorist Activities on Behalf of Hizballah's Islamic Jihad Organization

**Alexei Saab Allegedly Was Trained by Hizballah's External Terrorist Operations Component in Bomb-Making and Conducted Intelligence-Gathering in New York City and Elsewhere in Support of Hizballah's Attack-Planning Efforts**

The Department of Justice today announced that Alexei Saab, 42, of Morristown, New Jersey, also known as Ali Hassan Saab, Alex Saab, or Rachid, was charged today in a nine-count indictment for offenses related to his support for Hizballah and separate marriage-fraud offenses. The case is assigned to U.S. District Judge Paul G. Gardephe.

"According to the allegations, while living in the United States, Saab served as an operative of Hizballah and conducted surveillance of possible target locations in order to help the foreign terrorist organization prepare for potential future attacks against the United States," said Assistant Attorney General for National Security John C. Demers. "Such covert activities conducted on U.S. soil are a clear threat to our national security and I applaud the agents, analysts, and prosecutors who are

responsible for this investigation and prosecution.”

“As a member of the Hizballah component that coordinates external terrorist attack planning, Alexei Saab allegedly used his training to scout possible targets throughout the U.S.,” said U.S. Attorney Geoffrey S. Berman. “Even though Saab was a naturalized American citizen, his true allegiance was to Hizballah, the terrorist organization responsible for decades of terrorist attacks that have killed hundreds, including U.S. citizens and military personnel. Thankfully, Saab is now in federal custody, and faces significant prison time for his alleged crimes.”

“As alleged, Saab began his training with Hizballah operatives overseas and, while living in the U.S., surveilled multiple locations in major cities,” said FBI Assistant Director-in-Charge William F. Sweeney Jr. “Today’s announcement highlights the persistent efforts of a sophisticated international terrorist organization to scout targets at home and abroad, identifying vulnerabilities, and gathering essential details useful for a future attack. In the city that never sleeps, neither do the FBI agents, detectives, and analysts who work on the JTTF to protect it, and because of their work, Saab’s future surveillances will be limited to a cell. We cannot do this work alone. I would like to thank the countless private security professionals who protect many of these sites, remind them to remain vigilant in order to make the enemy’s job more difficult, and I would ask the general public to continue to report suspicious activity to law enforcement like you have so many times in the past.”

“I would like to thank the efforts of the investigators and our Counter-Terrorism law enforcement partners who worked tirelessly to assemble the case that prevents this individual from carrying out his plans,” said NYPD Commissioner James P. O’Neill. “This case sends a clear message of deterrence to all those who plot to promote violence here in the U.S. and abroad.”

According to the Indictment and Complaint unsealed today in Manhattan federal court:

Hizballah is a Lebanon-based Shia Islamic organization with political, social, and terrorist components. Hizballah was founded in the 1980s with support from Iran after the 1982 Israeli invasion of Lebanon, and its mission includes establishing a fundamentalist Islamic state in Lebanon. Since Hizballah’s formation, the organization has been responsible for numerous terrorist attacks that have killed hundreds, including United States citizens and military personnel. In 1997, the U.S. Department of State designated Hizballah a Foreign Terrorist Organization, pursuant to Section 219 of the Immigration and Nationality Act, and it remains so designated today. In 2001, pursuant to Executive Order 13224, the U.S. Department of Treasury designated Hizballah a Specially Designated Global Terrorist entity. In 2010, State Department officials described Hizballah as the most technically capable terrorist group in the world, and a continued security threat to the United States.

The Islamic Jihad Organization (IJO), which is also known as the External Security Organization and “910,” is a component of Hizballah responsible for the planning and coordination of intelligence, counterintelligence, and terrorist activities on

behalf of Hizballah outside of Lebanon. In July 2012, an IJO operative detonated explosives on a bus transporting Israeli tourists in the vicinity of an airport in Burgas, Bulgaria, which killed six people and injured 32 others. Law enforcement authorities have disrupted several other IJO attack-planning operations around the world, including the arrest of an IJO operative surveilling Israeli targets in Cyprus in 2012, the seizure of bomb-making precursor chemicals in Thailand in 2012, and a seizure of similar chemicals in May 2015 in connection with the arrest of another IJO operative. In June 2017, two IJO operatives were arrested in the United States and charged with terrorism-related offenses in the Southern District of New York. In May 2019, a jury convicted one of those two IJO operatives on all counts.

Saab joined Hizballah in 1996. Saab's first Hizballah operation occurred in Lebanon, where he was tasked with observing and reporting on the movements of Israeli and Southern Lebanese Army soldiers in Yaroun, Lebanon. Among other things, Saab reported on patrol schedules and formations, procedures at security checkpoints, and the vehicles used by soldiers.

In approximately 1999, Saab attended his first Hizballah training. The training focused on the use of firearms, and Saab handled and fired an AK-47, an M16 rifle, and a pistol, and threw grenades. In 2000, Saab transitioned to membership in Hizballah's unit responsible for external operations, the IJO, and he then received extensive training in IJO tradecraft, weapons, and military tactics, including how to construct bombs and other explosive devices. In 2004 and 2005, Saab attended explosives training in Lebanon during which he received detailed instruction in, among other things, triggering mechanisms, explosive substances, detonators, and the assembly of circuits.

In 2000, Saab lawfully entered the United States using a Lebanese passport. In 2005, Saab applied for naturalized citizenship and falsely affirmed, under penalty of perjury, that he had never been "a member of or in any way associated with . . . a terrorist organization." In August 2008, Saab became a naturalized U.S. citizen.

While living in the United States, Saab remained an IJO operative, continued to receive military training in Lebanon, and conducted numerous operations for the IJO. For example, Saab surveilled dozens of locations in New York City—including the United Nations headquarters, the Statue of Liberty, Rockefeller Center, Times Square, the Empire State Building, and local airports, tunnels, and bridges—and provided detailed information on these locations, including photographs, to the IJO. In particular, Saab focused on the structural weaknesses of locations he surveilled in order to determine how a future attack could cause the most destruction. Saab's reporting to the IJO included the materials used to construct a particular target, how close in proximity one could get to a target, and site weaknesses or "soft spots" that the IJO could exploit if it attacked a target in the future. Saab conducted similar intelligence gathering in a variety of American cities. The FBI recovered photographs from Saab's electronic devices reflecting his surveillance activities, including photographs of New York City landmarks.

In addition to his attack-planning activities in the United States, Saab conducted operations abroad. For example, Saab attempted to murder a man he later

understood to be a suspected Israeli spy. Saab pointed a firearm at the individual at close range and pulled the trigger twice, but the firearm did not fire. Saab also conducted intelligence-gathering for Hizballah in Istanbul, Turkey.

Finally, unrelated to his IJO activities, in July 2012, Saab married another individual (CC-1) so that CC-1 could apply for naturalized citizenship in the United States based on their marriage. On March 13, 2015, Saab and CC-1 jointly filed a petition seeking to obtain naturalized citizenship for CC-1. In doing so, Saab and CC-1 falsely claimed under penalty of perjury that their marriage was “not for the purpose of procuring an immigration benefit.”

Saab is charged with providing material support to a designated foreign terrorist organization, which carries a maximum sentence of 20 years in prison; conspiracy to provide material support and resources to a designated foreign terrorist organization, which carries a maximum sentence of 20 years in prison; receiving military-type training from a designated foreign terrorist organization, which carries a sentence of 10 years in prison or a fine; conspiracy to receive military-type training from a designated foreign terrorist organization, which carries a maximum sentence of five years in prison; unlawful procurement of citizenship or naturalization to facilitate an act of international terrorism, which carries a maximum sentence of 25 years in prison; marriage fraud conspiracy, which carries a maximum sentence of five years; citizenship application fraud, which carries a maximum sentence of 10 years; naturalization fraud, which carries a maximum sentence of five years; and making false statements, which carries a maximum sentence of five years. The maximum potential sentences in this case are prescribed by Congress and are provided here for informational purposes only, as any sentencing of the defendant will be determined by a judge.

Assistant Attorney General Demers and U.S. Attorney Berman praised the outstanding efforts of the FBI’s New York Joint Terrorism Task Force, which principally consists of agents from the FBI and detectives from the NYPD. They also thanked the Counterterrorism Section of the Department of Justice’s National Security Division.

This prosecution is being handled by the Office’s Terrorism and International Narcotics Unit. Assistant U.S. Attorneys Michael K. Krouse and Jason A. Richman are in charge of the prosecution, with assistance from Trial Attorneys Bridget Behling and Alexandra Hughes of the Counterterrorism Section.

The charges contained in the indictment are merely accusations, and the defendant is presumed innocent unless and until proven guilty.

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**From:** Stevenson, David (POL)  
**To:** Scott, William (POL); Moser, Bob (POL); Hussey, Deirdre (POL); Redmond, Michael (POL); Cunningham, Jason (POL)  
**Cc:** Andraychak, Michael (POL); Tomlinson, Joseph (POL); Lobsinger, Adam (POL); Rueca, Robert (POL)  
**Subject:** SFEx story on crime data  
**Date:** Saturday, September 7, 2019 7:18:41 PM

<https://www.sfexaminer.com/news/chinese-residents-fear-theyre-targeted-by-criminals-but-city-data-shows-its-the-black-community-that-bears-the-brunt-of-crime/>



Chinese residents fear they're targeted by criminals. But city data shows it's the black community that bears the brunt of crime. - The San Francisco Examiner

For months now, The City's Chinese community has voiced fear that they're increasingly targeted by criminals, but data revealed by San Francisco police this week shows it is actually the black community that disproportionately bears the brunt of aggravated assault and sexual assault.

[www.sfexaminer.com](http://www.sfexaminer.com)

## Chinese residents fear they're targeted by criminals. But city data shows it's the black community that bears the brunt of crime.

JOE FITZGERALD RODRIGUEZ MICHAEL BARBA Sep. 7, 2019 7:01 p.m. NEWS  
THE CITY



For months now, The City's Chinese community has voiced fear that they're increasingly targeted by criminals, but data revealed by San Francisco police this week shows it is actually the black community that disproportionately bears the brunt of aggravated assault and sexual assault.

That data also shows the broader Asian Pacific Islander community suffers disproportionately fewer robberies, burglaries, aggravated assaults and sexual assaults, compared to their population size in San Francisco.

To put it simply: The percentage of crime victims made up of members of the Asian community is far less than the percentage of their population in The City.

Still, city officials say the data also shows a rise in specific categories of crime including burglaries and robberies — including a slight, but rising, number of those crimes against

the Asian community. While overall crime rates are down, the rise in those types of incidents may explain worries voiced from the Bayview to Chinatown, to the Sunset neighborhoods.

"To me, the bigger takeaway from that is that crime across many communities in The City has been on the increase. So it's not limited to the Asian community," Supervisor Gordon Mar told the San Francisco Examiner.

"That's in contrast to what the police department represents at every opportunity, that crime statistics show there are decreasing incidents," he said.

Mar, who represents the Sunset District, requested the San Francisco Police Department provide data on the ethnic breakdown of crimes after an outcry from the Chinese community over rising property crimes and assaults.

He told the Examiner he will soon introduce legislation to mandate that data be presented by San Francisco police more regularly.

Though city officials said individual crimes are always awful, data shows that broadly, it is possible fears that Chinese residents are being targeted are unfounded.

Asian Pacific Islanders represent 34 percent of San Francisco's population, according to U.S. Census data, but across the board, they are underrepresented in records of victims from SFPD.

In 2019, only 14.5 percent of all burglary victims are Asian Pacific Islanders, 20 percent of robbery victims are Asian Pacific Islanders, 11.6 percent of aggravated assault victims are Asian Pacific Islanders, and 13.3 percent of sexual assault victims are Asian Pacific Islanders, according to the data revealed by SFPD this week.

Malcolm Yeung, deputy director of the Chinatown Community Development Center, an influential community nonprofit that administers housing, acknowledged that the percentages of Asian people victimized in San Francisco are low, but said addressing the community's feelings about crime is just as important as addressing the crime itself.

"I think data and perception are different things, and perception is critical," he said.

"Perception is what drives whether you're willing to go out at night and spend your money, whether you're willing to walk around in the daytime."

"We don't want members of any community to hole up because they're scared," he said. That community alarm followed high-profile assaults against Chinese seniors, a series of home-invasion robberies and one particularly infamous daytime assault against a leader within the Chinatown Six Companies this summer. That organization traces its origins to the first Chinese immigrants to California, and the brutal beating of one of its chairmen in July shook the local Chinese community.

Robberies in particular incense Chinatown, where merchants have felt powerless.

"The people just come in, take something and walk out," said Raymond Hong, owner and operator of Rainbow Express Photo, on Stockton Street.

Hong and more than 200 of his fellow merchants are in contact via social media service WeChat, and they constantly update each other on new robberies.

The updates are never-ending, Hong said. "It is horrible, it is really upsetting," he said.

SFPD data does show some crimes in general are rising across The City: There were 4,585 robbery victims in 2016 and 4,924 robbery victims in 2018. That rise in victims includes members of the Asian Pacific Islander community.

There was a starker rise in burglaries: SFPD data revealed 7,658 burglary victims in 2016 and 9,160 burglary victims in 2018. Data for 2019 is available but only through August, now standing at 4,767 burglary victims.

In an email to Mar, SFPD Chief William Scott noted that the department's crime-

enforcement strategies are “Driven by data, investigative information and effective deployment of resources.” And as “a result of these strategies,” he wrote, violent crime has been reduced by 11 percent and property crime has decreased by 11 percent. But Mar pushed back against Scott’s claims.

“The data does show the number of Asian victims in those categories has risen,” Mar said. “That validates the feelings of a lot of the community members.”

Still, the specific crimes plaguing San Franciscan communities drive the conversation. Headlines in Chinese language newspapers the World Journal and Sing Tao Daily soon followed, chronicling in detail the concerns of the papers’ community. And as the San Francisco Examiner previously reported, the rise in perception of crime even led some Chinese neighborhood groups to start gun ownership education classes for self defense. Yeung recommended SFPD try to increase its community ties to San Francisco’s Asian population to stem fears. Pius Lee, chair of the Chinatown Neighborhood Association, recommended one more thing — cameras.

Though Mayor London Breed, in partnership with Supervisor Aaron Peskin and the Office of Economic and Workforce Development, installed 18 new public safety cameras along Stockton Street after the prominent attacks this summer, Lee wants to see even more cameras blanket Chinatown.

“I want The City to encourage every property owner to install a camera in their home,” he said. “I encourage every property owner to get a camera in their house.”

While crimes against the Chinese community, and more broadly, the Asian Pacific Islander community, have driven much of the public conversation and concern in Chinese-language newspapers, SFPD’s data reveals black communities are disproportionately affected by crime.

Though the black community only makes up 5 percent of San Francisco’s population, according to the most recent U.S. Census data, 22 percent of aggravated assault victims so far in 2019 were black. And 17 percent of sexual assault victims so far in 2019 were black.

Only about 10 percent of robbery victims in 2019 were black, and about 3 percent of all burglary victims in 2019 so far were black.

The overrepresentation of black communities in crime victim statistics, but the loud conversation about the Chinese community, did not surprise Shawn Richard, executive director of Brothers Against Guns and a San Francisco native.

“That’s every day. I’m not surprised about it at all,” he told the Examiner. “It’s been going on for years, man. We just had an incident. An African American senior was just assaulted two weeks ago, in the Bayview, and we hadn’t heard anything about it” in the media. Crimes against San Francisco’s most vulnerable ethnic community are often met by silence, he said.

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**From:** Stevenson, David (POL)  
**To:** Scott, William (POL)  
**Subject:** FYI: LAT on Prop. 47  
**Date:** Friday, December 21, 2018 3:27:24 PM

Lt. Nevin was approved to answer the Marshall Project's questions on crime (we weren't told the LAT would be publishing this). [REDACTED]

<https://www.latimes.com/local/lanow/la-me-california-reforms-crime-20181220-story.html>



## California transformed its justice system. But now crime is up, and critics want rollbacks - Los Angeles Times

www.latimes.com

Californians for Safety and Justice, a group that co-authored Proposition 47, points out that several states saw larger increases in violent crime than California from 2016 to 2017.

# California transformed its justice system. But now crime is up, and critics want rollbacks

By Abbie VanSickle and Manuel Villa  
Dec 20, 2018 | 3:00 AM

Stolen objects are displayed while Capt. Lillian Carranza, second from left, commanding officer of the Los Angeles Police Department's Commercial Crimes Division, shares details about arrests made in connection with recent burglaries at the homes of celebrities. (Gary Coronado / Los Angeles Times)

Over the last decade, California has led the nation in reducing its prison population.

The state has shortened sentences and diverted some offenders to the counties for incarceration and supervision, transforming California's criminal justice system into what supporters hope will become a humane model around the country.

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But amid the changes, crime has increased in recent years, sparking debate about the causes and giving ammunition to those leading a new effort to roll back some of the reforms.

An analysis by the Marshall Project and the Los Angeles Times found that California's crime rates remain near historic lows, but overall crime spiked in both 2012 and 2015, the years that immediately followed two major statewide measures aimed at decreasing the number of people in prison. Those jumps were mainly driven by increases in property crimes, particularly thefts from motor vehicles..

### The California Experiment

This is one of an occasional series examining the impact of recent justice measures aimed at reducing incarceration. It is a collaboration between the Los Angeles Times and the Marshall Project, a nonprofit news outlet.

After decades of mirroring national downward trends in violent crime, California saw a 12% increase from 2014 to 2017, while the violent crime rate in the other 49 states together increased only 3%, the analysis showed. In 2014, California voters approved a ballot measure that reduced sentences for many low-level drug and property crimes.

(Los Angeles Times)

(Los Angeles Times)

California's property crime rate fell slightly in the last two years, but remains 2% higher than it was in 2014. By contrast, the rate of property crimes in the rest of the nation has dropped by 10% over the same period.

There is no simple explanation.

Crime trends vary dramatically from county to county. Thirty-one of the state's 58 counties saw an increase in violent crime last year, while 22 saw an increase in property crimes. The rest stayed flat or declined. What single factor can explain the fact that violent crime went up 6% last year in Los Angeles but fell 6% in Sacramento?

Los Angeles police investigators work at the scene of a 2017 fatal shooting in Hollywood. (Irfan Khan / Los Angeles Times)  
There also have been large differences in the way counties spent the billions in state money allocated to implement the new measures. Some focused on building jails, others on recruiting and deploying police, and still others experimented with collaborative courts and reentry programs.

To complicate matters, specific crimes come with their own caveats. Reports of rape have increased nationally since 2013, for example, but sexual assaults have traditionally been underreported, and part of the increase stems from the FBI's decision to broaden its definition of rape in 2013. (The Marshall Project and Times data analysis excluded rape.) Reports of aggravated assaults in California also have increased, but part of that increase is likely due to underreporting from 2005 to 2012 by the Los Angeles Police Department.

California's criminal reform revolution began in earnest in 2011 after the U.S. Supreme Court approved a cap on the number of inmates in prison. Lawmakers responded by passing Assembly Bill 109, known as realignment, which lowered the prison population by shifting the burden to the counties to house and supervise thousands of inmates convicted of crimes that the law categorized as nonviolent and nonserious.



(Los Angeles Times)



(Los Angeles Times)

Three years later, California voters [approved Proposition 47](#), which turned drug use and most theft convictions from felonies to misdemeanors. In 2016, voters overhauled the state parole system by [backing Proposition 57](#), which gave thousands of inmates the chance to earn an earlier release from prison. The undeniable result of all these measures is that people are on the street today who would have been locked up in previous years.

Critics of the reforms argue that they have created a permissive climate that makes policing harder and weakens the deterrent effect of a possible prison sentence.



Assemblyman Jim Cooper (D-Elk Grove) has been a leading critic of California's Proposition 47, which downgraded drug use and most theft convictions from felonies to misdemeanors. (Rich Pedroncelli / Associated Press)

"There's no accountability," said Assemblyman Jim Cooper (D-Elk Grove). "People know they can get away with things. That's contributed to it. That's really been a big source of frustration. No one's going to jail anymore."

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Cooper, a retired Sacramento County sheriff's captain, has been a leading voice in a coalition of prosecutors and law enforcement groups pushing back. [A statewide initiative that will appear on the 2020 ballot](#) would reverse some provisions of Proposition 47, toughen supervision of parolees and disqualify some prisoners from early release.

Backers of the proposed rollback argue that the state's drug courts, intended as an alternative to criminal courts, are seeing fewer people because prosecutors can no longer force someone into treatment with the threat of a felony. (Some counties, [including San Diego](#), have reported decreases in drug court participation since Proposition 47, but no statewide figures are available.)

Those who favor toughening the law also claim counties are struggling to supervise offenders with violent criminal records.

Supporters of the prison downsizing measures dispute any link between the new laws and an increase in crime. They argue that using 2014 as a baseline — the year with the fewest crimes reported in the state since the 1960s — unfairly skews any analysis.

"To look at it from a year-to-year basis is very short-sighted," said Michael Romano, the director of the Three Strikes Project at Stanford Law School who helped write Proposition 47. "We really have had a sustained downward trend over the past decade or two."

He said it's unlikely any single factor led to an increase in crime, but rather a combination of issues, such as poverty and unemployment, in different counties throughout the state.

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Inmates wait in line at Los Angeles County's Men's Central Jail. (Maria Alejandra Cardona / Los Angeles Times)

Californians for Safety and Justice, a group that co-authored Proposition 47, points out that several states saw larger increases in violent crime than California from 2016 to 2017. (An analysis by The Times and the Marshall Project found 20 states with larger increases in violent crime rates.) They note that none of the recent laws changed penalties for violent crimes.

In 2013, the nonpartisan Public Policy Institute of California found that the first major prison downsizing law, realignment, had no effect on violent crime, but did lead [to an increase in auto thefts](#). In 2016, a [prestigious social science journal](#) reached a similar conclusion.

Under realignment, people convicted of auto theft, a nonviolent felony, usually serve shorter sentences in their local jails and are released under local supervision.

Two studies published this summer — one by a [UC Irvine criminologist](#) and another by the [Public Policy Institute of California](#) — found no link between Proposition 47 and increases in violent crime. Both noted a possible link between the initiative and increases in larceny, particularly thefts from motor vehicles, although the Irvine study found those links too tenuous to conclude Proposition 47 was to blame.

After national crime data for 2017 released this fall showed California departed from the national trend — violent crime in California ticked up slightly while it fell slightly across the 49 other states taken together — researchers said they planned to revisit the question of a link between Proposition 47 and violent crime. California's robbery rate jumped 14% from 2014 to 2017; the rest of the country saw a 7% drop.

"It is troubling and deserves more attention," said Magnus Lofstrom, policy director of corrections at the Public Policy Institute of California.

San Francisco's struggle with car break-ins illustrates the difficulty of trying to determine if the reforms are linked to changes in local crimes.

[Thefts from vehicles nearly tripled in the city from 2011 to 2017, when they hit 29,851.](#)



Concentrated tourist areas in San Francisco, such as the city's curvy Lombard Street, have seen a rise in car break-ins, which have nearly tripled from 2011 to 2017. (Mark Boster / Los Angeles Times)

Weary residents have grown used to the feel of car window glass crunching underfoot. Bob Hinckley estimates he and his wife have seen dozens of break-ins since moving into a home about a year ago near the top of the city's famously curvy Lombard Street. Brazen thieves target unwitting tourists who leave valuables in plain view. He once saw a suspect drive up onto the sidewalk to avoid the police.

"Why do they come over here to break into cars? Because that's where the tourists are with their bags," Hinckley said.

An analysis of break-ins confirmed that these thefts were concentrated near tourist hot spots — a stretch of road near museums in Golden Gate Park, a viewpoint overlooking the Pacific Ocean, a street near the Palace of Fine Arts — or in large, public parking garages.

San Francisco police Lt. Michael Nevin, who until November oversaw car break-in investigations in a district that includes many of the tourist hot spots, said he had noticed a sharp spike before Proposition 47. Nevin said break-ins are often charged as "auto burglary," which was not affected by the ballot measure. (Auto burglary can be charged as a misdemeanor or a felony.) He said the break-ins are typically committed by organized theft rings that work in groups of two or three.

Asked whether new criminal justice measures have hampered his daily policing work, he said: "Absolutely not."

The break-ins have become a hot-button issue in San Francisco, particularly because Dist. Atty. George Gascón co-authored Proposition 47.

In September, Suzy Loftus, a former prosecutor who now works as a lawyer for the San Francisco County Sheriff's Department, announced she would challenge Gascón with a focus on the car break-ins. Shortly after, Gascón announced he would not seek reelection.

Loftus said she supports Proposition 47 and prison downsizing, but says the crime increase shows a failure by San Francisco leaders to adapt to needed criminal justice changes.

"It's easy to say the changes in our system are causing this. It's harder to say, 'Hey, we needed those changes, and we've got to work together better locally,'"

**she said.**

Another offense that has become central to the backlash against the new criminal justice measures is shoplifting.

Proposition 47 raised the value of stolen goods necessary to charge a felony from \$400 to \$950. Retailers complained that organized theft rings were taking advantage of the reduced punishments to steal misdemeanor levels of merchandise.

"It's gotten far worse in the last few years — there are no consequences," said Rudy Ruiz, owner of World 1-1 Games, a video game store in a mall about an hour north of Santa Barbara.

Frustrated at how long it would take for police to respond, Ruiz said he began chasing shoplifters and posting their images on social media in an attempt to shame them. On one occasion, he caught a woman slipping an item into her baby stroller.

"I'm not a million-dollar corporation," he said. "If somebody steals \$100, that's a lot for me."

Shoplifting soared in many counties in 2015, with Los Angeles and San Bernardino seeing the most dramatic increases. But then it dropped statewide over the next two years, falling to its lowest level in a decade.

To head off a frontal assault on Proposition 47, [legislators created](#) a new category of crime, "organized retail theft." That new law, signed by Gov. Jerry Brown in September, allows prosecutors to charge shoplifting as a felony if two or more people act together to steal.

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The bill's author, Assemblyman Reggie Jones-Sawyer (D-Los Angeles) said its aim was to crack down on organized shoplifting rings without retreating from the reforms or criminalizing people who are stealing because they are hungry, homeless or addicted.

Assemblyman Cooper, the Proposition 47 critic, said it would do little to curb shoplifting because it places too high a burden on prosecutors to prove a conspiracy.

In San Joaquin County, which has long had one of the state's highest crime rates, property crimes have fallen by 25% since 2011. In 2017, it saw the lowest number of shoplifting reports in 15 years.

When Eric Jones, chief of police in Stockton, the San Joaquin County seat, first saw the local numbers drop, he worried fewer people were reporting crimes to police. The department double-checked the figures by looking at auto thefts — a crime that's nearly always reported — to verify their data.

He said he'd been skeptical when realignment and Proposition 47 went into effect.

"I was concerned when those passed about the impact those were going to have on my community," Jones said. "Would crime go up? And it's just not that simple. I mean, look at our county — we've seen some success."

*This article was published in partnership with [the Marshall Project](#), a nonprofit newsroom that reports on the criminal justice system. Sign up for their newsletter, or follow the Marshall Project on [Facebook](#) or [Twitter](#). The Marshall Project receives funding from the California Endowment and [other organizations](#) that favor efforts to reform California's criminal justice system. Under terms of its funding, the Marshall Project has sole editorial control of its news reporting.*

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**From:** [Press Office, Mayor \(MYR\)](#)  
**To:** [Press Office, Mayor \(MYR\)](#)  
**Subject:** \*\*\* PRESS RELEASE \*\*\* MAYOR LONDON BREED ANNOUNCES THE ACQUISITION AND PRESERVATION OF FIRST SMALL SITES BUILDING IN THE SUNSET  
**Date:** Friday, September 27, 2019 1:05:33 PM  
**Attachments:** [09.27.19 Taraval Small Sites.pdf](#)

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**FOR IMMEDIATE RELEASE:**

Friday, September 27, 2019

Contact: Mayor's Office of Communications, 415-554-6131

**\*\*\* PRESS RELEASE \*\*\***

**MAYOR LONDON BREED ANNOUNCES THE ACQUISITION  
AND PRESERVATION OF FIRST SMALL SITES BUILDING IN  
THE SUNSET**

*With Small Sites Program acquisition, six multi-generational families will be able to remain in their homes in the Outer Sunset neighborhood*

**San Francisco, CA** — Mayor London N. Breed, Supervisor Gordon Mar, and community leaders today celebrated the acquisition and preservation of 3544 Taraval Street, a building with six two-bedroom homes in the Outer Sunset neighborhood. It is the first Small Sites Program (SSP) acquisition in District 4, and one of only three SSP acquisitions on the Westside of San Francisco.

“As we work to build more affordable housing, we need to also preserve the affordable housing we already have,” said Mayor Breed. “Thanks to our Small Sites Program and the acquisition of 3544 Taraval, six long-time Outer Sunset families will be able to stay in their neighborhood—without worrying about rising rent.”

The apartments at 3544 Taraval St. currently serve low- to moderate-income households with an average income of 62% of Area Median Income. Supervisor Mar identified the site and engaged Mission Economic Development Agency (MEDA), which moved expeditiously to acquire the property this month and preserve it as permanently affordable housing. The acquisition was financed with a \$2.48 million loan provided by the San Francisco Housing Accelerator Fund (SFHAF). The Mayor’s Office of Housing and Community Development (MOHCD) expects to provide MEDA with permanent financing for the building in September 2020 following the completion of critical repairs and upgrades.

“The Sunset’s very first Small Sites property at 3544 Taraval Street is a significant turning point for a district with the lowest investment of new affordable housing built and acquired,” said Supervisor Gordon Mar. “As we work on new construction projects like the Francis Scott Key educator housing, we also need to preserve and protect existing affordable housing and longtime residents—our senior, immigrant, and working class neighbors—so they keep the Sunset a place where complete communities can thrive.”

The rehabilitation plan includes approximately \$400,000 in crucial repairs to the building, including seismic strengthening, installation of a building-wide fire alarm system, exterior renovations, and in-unit upgrades, including water heater replacements, updating electrical systems and refurbishing bathrooms and kitchens.

The Small Sites Program was established in 2014 and is MOHCD's main program for acquiring and preserving at-risk rental housing with three to 25 units. The program was created to establish long-term affordable housing in smaller properties throughout San Francisco that are particularly vulnerable to market pressure that results in property sales, increased evictions and rising tenant rents. In the face of the increasing pressure, SSP helps San Franciscans avoid displacement or eviction by providing loans to nonprofit organizations to successfully remove these sites from the market and restrict them as permanently affordable housing.

"Preventing displacement and preserving affordability is critical to stabilizing this community. We could not be more thrilled to acquire our first Small Sites property here in District 4," said Jonah Lee, Director of Portfolio Management and Preservation for MOHCD. "Thank you to the SFHAF and MEDA for your partnership, which is helping scale our acquisition programs to reach other communities in need. We look forward to continuing to preserve affordable homes throughout San Francisco."

"Preservation is an effective tool to stem the tide of displacement, which relies on the availability of quick, flexible capital," said Rebecca Foster, CEO of the San Francisco Housing Accelerator Fund. "We were thrilled to provide the bridge funding necessary to make the first preservation deal in District 4 a reality. Our work is made possible by our generous funders, and we are grateful to the Bettye Poetz Ferguson Foundation for providing critical funding for 3544 Taraval."

The San Francisco Housing Accelerator Fund innovates smart approaches that put public, private, and philanthropic money to work to expand the supply of affordable housing in San Francisco. SFHAF was incubated in the Mayor's Office to complement the public sector's funding mechanisms. The fund was kick-started with investments from the City, Citi Community Development, Dignity Health, and The San Francisco Foundation. In less than three years of operation, SFHAF has raised and deployed over \$100 million to fund the preservation and construction of 433 permanently affordable units in San Francisco.

"This is MEDA's 25<sup>th</sup> Small Sites Program acquisition overall—and our first in San Francisco District 4," says MEDA Associate Director of Community Real Estate Johnny Oliver. "MEDA was honored to be part of this collaborative effort of the resilient residents of 3544 Taraval St., Supervisor Mar, MOHCD and the San Francisco Housing Accelerator Fund to preserve affordable housing for these tenants who would otherwise be at risk of displacement."

"As retired seniors with limited income here for 28 years, we couldn't sleep since this building went up for sale, worried a developer would evict us older tenants," said Ming Yong Lee 李民勇. "It is very important San Francisco supports the elderly and people on fixed incomes. We are thankful for Supervisor Mar and Mayor Breed for choosing our building so we can continue living in the Sunset, where it is safe, where we can shop at Chinese businesses, and where there are places to walk and senior services nearby."

Over \$83 million of City funds have been committed for acquisition and preservation programs. Through the City's acquisition programs, 34 buildings consisting of 278 units have been acquired, and another 12 buildings with 110 total units are in the pipeline. The Small Sites Program has stabilized over 500 San Francisco residents to date.

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**From:** Stevenson, David (POL)  
**To:** Scott, William Chief (POL); Redmond, Michael (POL); Perea, Daniel (POL); Mannix, Ann (POL); Fabbri, Carl (POL); Fong, Daryl (POL)  
**Subject:** Fw: Trapped by the 'Walmart of Heroin' - The New York Times  
**Date:** Thursday, October 11, 2018 8:47:10 AM

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FYI. An interesting read on Philadelphia's approach to try to clear an area blighted by drug dealing and use.

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<https://www.nytimes.com/2018/10/10/magazine/kensington-heroin-opioid-philadelphia.html?action=click&module=Top%20Stories&pgtype=Homepage>



## Trapped by the 'Walmart of Heroin' - The New York Times

[www.nytimes.com](https://www.nytimes.com/2018/10/10/magazine/kensington-heroin-opioid-philadelphia.html)

Feature. Trapped by the 'Walmart of Heroin' A Philadelphia neighborhood is the largest open-air narcotics market for heroin on the East Coast.

# Trapped by the 'Walmart of Heroin'

A Philadelphia neighborhood is the largest open-air narcotics market for heroin on

the East Coast. Addicts come from all over, and many never leave.

Oct. 10, 2018



Drug users under the Kensington Avenue underpass.Jeffrey Stockbridge for The New York Times

Drug users under the Kensington Avenue underpass.Jeffrey Stockbridge for The New York Times

The first time Mark shot up “Philly dope” was in the summer of 2017, with his girlfriend, Sarah. They had been on their way from Massachusetts to South Carolina, hoping to get clean there and find someplace cheap to live. The plan was to detox slowly on the way. In New Jersey, they needed to buy more drugs, just enough to make it to Myrtle Beach. Mark got out his phone and Googled “really bad drug areas.” A neighborhood in Philadelphia came up: Kensington.

Mark had never heard of it, but it was easy to find, not too far off I-95. The streetlights were broken or dim, and the alleyways were dark. Most of the blocks were lined with two-story rowhouses, abandoned factories and vacant lots.

Kensington Avenue, the neighborhood’s main drag, was a congested mess of Chinese takeouts, pawn shops, check-cashing joints and Irish pubs. Missing-person posters hung from storefront windows. The dealers were all out in the open, calling out brand names, even handing out free samples. Many people smoked crack or meth or injected heroin. They stuck needles in their arms, necks and the skin between toes. They were limp and nodding off. Some people lay on the ground looking dead.

Mark got addicted to oxycodone after he was injured by an

I.E.D. while on deployment in Iraq. A friend taught him to shoot up heroin because it was a lot cheaper than taking painkillers. And the heroin in Kensington was very cheap. As little as \$5 a bag. Mark was used to the high he got from drugs in Massachusetts, but this was different. “We thought it was real dope,” he said. But the heroin had been cut with fentanyl, a synthetic opioid that the couple had never taken before. The withdrawal was the worst Mark and Sarah had ever gone through.

“I’ve never been so sick in my life,” Mark said. “It was like the alien in the movie was going to pop out of my chest, things I’ve never experienced going through detox before.” They tried dosing themselves with Suboxone, a synthetic opioid that eases the pain of withdrawal. They had used it before to get sober. Now it wasn’t helping. The addiction was too powerful and the withdrawal too excruciating. “I knew then that I wasn’t going to leave,” he said. “That we couldn’t leave.”

In the summer of 2017, when I first toured the area with Patrick Trainor, a special agent for the Drug Enforcement Administration, he called Kensington the largest open-air narcotics market for heroin on the East Coast. It’s known for having both the cheapest and purest heroin in the region and is a major supplier for dealers in Delaware, New Jersey and Maryland. For years, the heroin being sold in Kensington was pure enough to snort, but that summer, it was mixed with unpredictable amounts of fentanyl. In Philadelphia, deaths related to fentanyl had increased by 95 percent in the past year.

Philadelphia County has the highest overdose rate of any of the 10 most populous counties in America. The city’s Department of Health estimates that 75,000 residents are addicted to heroin and other opioids, and each day, many of them

commute to Kensington to buy drugs. The neighborhood is part of the largest cluster of overdose deaths in the city. In 2017, 236 people fatally overdosed there.

“We have not only people from other parts of the state,” Trainor said, “we have people from other parts of the country who come here.” Every year, “drug tourists” from all over the United States visit Kensington for the heroin. Eunice Sanchez, a local pastor, put it more succinctly: the area, she said, was the “Walmart of heroin.”



Beside the Kensington Avenue underpass.Jeffrey Stockbridge for The New York Times

Once a blue-collar factory neighborhood, Kensington was especially devastated when deindustrialization swept through the area in the 1950s. (Philadelphia neighborhoods don’t have officially designated boundaries, and the northeast section of the city, including West Kensington, East Kensington, Fairhill, Port Richmond and Olde Richmond, is often referred to as “Kensington.”) As the white population fled for the suburbs, Hispanic and African-American people moved in, and with few investments from the city, the drug market filled the economic vacuum. Houses transformed into drug dens, factories into spaces to shoot up, rail yards into homeless encampments. Most residents, many of them immigrant families who had come to Kensington for a better life, did not have the means to move.

In the early 2000s, Dominican gangs started bringing in Colombian heroin that was not only purer but much cheaper than heroin imported from Asia, which historically predominated. Kensington’s decentralized market kept competition high and prices low. Most corners were run by small, unaffiliated groups of dealers, making the area difficult

to police; if a dealer was arrested, there was always someone there to replace him. The Philadelphia prison system has become the largest provider of drug treatment in the city. The police have realized that they can't arrest the problem away, and they spend many of their calls reviving drug addicts with Narcan, an overdose-reversal spray. The D.E.A. focused on the high-level drug traffickers, not the guys working the streets, but the arrests did little to curb the growing demand.

"They call this the Badlands," Elvis Campos, 47, said about Kensington. "Good people are held hostage in their homes." Campos, who moved to the neighborhood 22 years ago, lives on a small, crumbling block next to a demolished crack house. "I didn't know about the drugs when I came," he said. "I found the house, and it was cheap." No one on his block used or sold drugs, he said, and his neighbors worked hard to keep it clean. But dealers were always around their homes trying to sell. "I tell them to leave," Campos said. "I served in Iraq, and I think that's why I'm good at telling drug dealers to get off the block." Like Campos, many residents had come to Kensington simply because they couldn't afford housing anywhere else, and though many expressed empathy for the users, they also wanted them to leave. People cleared needles off their lawns, their front steps and the sidewalks where their children played. Some wouldn't go anywhere unless they were in a car, but a lot of families were too poor to afford a car. They organized cleanups, lobbied City Council members and state representatives and asked for help from church groups, but the problem seemed insurmountable. The drug market, institutional racism, joblessness and the ravages of the war on drugs in the '80s left the community struggling. "You see everything here," one female resident told me. "Overdoses, shootings, killings. We are exposed to trauma every day just

living here. It's constant."

Dealers fought for territory and intimidated police informants. The area has one of the highest rates of shootings and murders in the city. Less than two-thirds of the residents have a high school diploma, and only a fraction have a bachelor's degree. Nearly half the residents live below the poverty line. And yet parts of the neighborhood were solidly working-class, and the edges of the neighborhood were gentrifying. "The narrative of the opioid crisis is focused on big-pharma greed," Zoë Van Orsdol, a public-health specialist, told me, "but in Kensington the reality is far more complicated."

**Early one morning**, I found Crystal, 34, a mother of three, going into withdrawal near the intersection of East Somerset Street and Kensington Avenue, the area's largest drug corner. Car stereos boomed, and the elevated train screeched to a stop. The train doors opened, and buyers spilled onto the walkway, heading down two flights of stairs before dispersing into the streets.

Crystal's ankle was fractured, and her hair was damp with rainwater. She grew up just a few blocks away, and many of her relatives were addicted to heroin. Crystal started shooting up after her husband lost his job. They had split up, but she still wore her wedding ring. Narcan kept bringing her back. "It's like playing Russian roulette with your life," she told me. Crystal sobbed and folded her body over her knees while people walked by her.

A lot of people first came to Kensington because a car accident or surgery had left them addicted to painkillers. Later, when they could no longer afford them, they switched to heroin. Those deep in addiction were using 10 or more times a day. People cycled in and out of Kensington's recovery houses, treatment centers and shelters. After years of this, women

often ended up as prostitutes. They offered oral sex for \$25 so they could buy a few bags. They had been raped, tied up and held up. They had nowhere to go to shower. They feared telling the cops about the abuse because they had already been busted on drug or prostitution charges. They slept curled with their purses between their knees and their chests.



Crystal, a 34-year-old heroin user and mother of three. Jeffrey Stockbridge for The New York Times

When I met Jax, a prostitute with curly blond hair, she apologized about her appearance. She had smoked crack and scratched up her face. It was speckled with wounds. Jax started using opioids in college and ended up in Kensington shooting heroin. She had checked herself into a lot of rehab centers, but she couldn't stay sober. Her boyfriend tried to help, but he got fed up. In 2009, she became pregnant and used heroin the whole nine months. Recently she spent 24 days in jail, then went right back to the streets and overdosed nine times in two weeks. "Sometimes I just don't ever want to survive," she said. "Just let me die."

"What about your son?" I asked.

"He's better off without me."

At the bottom of the station steps, I met John, a 55-year-old man who lived with his parents. John was a "guide": He guided customers from the train to the drugs. He could help you find heroin, cocaine, PCP, marijuana, Xanax, Percocet virtually any time of day or night. He could help you shop around, compare prices and quality. His own drug of choice was heroin, which he sniffed. John carried a grocery bag filled with clean needles. He got them from Prevention Point, a nonprofit on Kensington Avenue that exchanged dirty needles for clean ones. Needle exchanges helped stop the spread of H.I.V. and hepatitis C. But

John was smart and made a small business out of it. He sold clean needles for \$2. “You don’t come from our world,” he told me, “and we don’t come from your world.”

A few steps away, I met Shiz, a redhead dressed all in blue. Like most everyone else, Shiz was in Kensington to buy heroin. He was with his friend Kevin, a short man with a wild beard. Opioids often make people itch, and Kevin wouldn’t stop scratching his arms. There was so much dead skin it looked as if his arm were foaming.

“I only do about 20 bucks a day,” Shiz told me. He worked as a cook, making Philly cheesesteaks, and commuted into Kensington to buy drugs. Sometimes he ended up in jail and got clean. He always wanted to stay clean, but it was too hard. He tried locking himself in his house and not talking to anyone, but the boredom drove him crazy. It drove him right back to the drugs.

“Do you wish you could stop?” I asked.

He and Kevin laughed.

“Everybody wishes they could stop,” he said. “You’re always in this web. You’re in the web for the rest of your life.”

**When Philadelphia’s** progressive mayor, Jim Kenney, took office in 2016, he soon made it a priority to tackle the city’s opioid crisis. His administration wanted to focus on getting heroin users into treatment rather than arresting them. In late 2016, Kenney created a task force of addiction experts, doctors, social workers and agents from the D.E.A. to come up with a plan to curb overdose deaths in the city. In May 2017, they offered 18 recommendations, including a media campaign about the risks of opioids, wider distribution of Narcan and support for medically assisted treatment, which uses opioid-replacement drugs like Suboxone to help users manage withdrawal.

The first order of business was to clear the railroad gulch. For decades, a mile-and-a-half-long stretch of tracks in a ravine had been a magnet for heroin users, with 300 or so people using the tracks to shoot up every day. Near a bridge over the gulch, an encampment of dozens of homeless addicts had grown up. There were mattresses piled beneath the bridge, along with tables where users cut, snorted and cooked drugs together. A Hispanic addict known as the Doctor worked behind a folding table in a shack called “the hospital.” He charged a couple of dollars to shoot up those who couldn’t do it themselves. People sometimes pushed the bodies of users who had overdosed and died into the bushes instead of calling the police. Residents complained about the smell.

The plan was ambitious: El Campamento, as the encampment was known, would be bulldozed, the trees removed and the tracks sealed with fences. The cost was more than \$1 million. Conrail, the company that owned the tracks, agreed to dispose of used needles, clear the vegetation from around the tracks and remove trash, including televisions, recliners, mattresses and hundreds of tires. The city would contribute funds for waste removal, some fences and security. It would also remove all the homeless heroin users from the site and offer them medical care and drug-treatment services.



Jax at the Kensington Avenue underpass.Jeffrey Stockbridge for The New York Times

Months before the official cleanup in August 2017, the Office of Homeless Services and the Department of Behavioral Health began sending daily outreach teams to the encampment. They wanted to get as many users into treatment and supportive housing as were willing to go. Kensington Hospital expanded its treatment facilities. Housing and

treatment slots opened up for those removed from the encampment. Transportation was provided for those who were willing to accept treatment, and the Office of Homeless Services paid for ID cards for those who didn't have them. Social workers and community groups set up trailers on a corner, right outside El Campamento, ready with volunteers who would help connect the homeless heroin addicts to treatment.

"It's not an easy issue," Kenney had told The Philadelphia Inquirer. "It's going to take many years and a ton of money, so that may have been why it hasn't been addressed in the past — but that's not an excuse."

That August, just before the demolition was scheduled to begin, I walked along the edges of the tracks and could hear people moving around in the vegetation below. Streams of users walked to and from the tracks to buy and use drugs. Two cops patrolled the area, as drug-dealing kids on trick bikes looped around to run their own surveillance. A man with thick hair and camo pants came up the street and started waving his arms. "Never see this in Texas, man," he said. "This place is crazy."

"Are you homeless?" I asked.

"Nah, I'm down here for the summer," he said.

He had traveled from Texas to sniff the heroin. After two tours in Iraq and Afghanistan, he said, he started taking painkillers recreationally. He said he learned about Kensington from the National Geographic docu-series "Drugs Inc.," in its 2013 episode "Philly Dope." At first he threw up because the heroin was so strong. "I'm fine, I'm fine," he said. "Don't worry about me. I won't end up like these people. I do other things with my life. I race dirt bikes. I do jujitsu. I take a shower every day."

A few days later, Conrail's team started clearing El

Campamento. On a bridge overlooking the encampment, crowds of spectators gathered to watch the destruction. Machines ripped trees from the ground and pulverized them on the spot. Cars honked in celebration. An avalanche of garbage stretched from the top of the slope to the bottom of the ravine.

Two E.M.S. workers chatted about the addicts who overdosed. “If you were on the street having a heart attack and you were dying, and I left you and you died, that’s on me,” one said. “I come and wake you up from an overdose, and you walk away, and I get you again three hours later? That is insanity. I’m like: Make them go to rehab.” He nodded toward a machine that scooped up trash. “Sometimes you need to take a different approach.”

**The city offered** treatment, but most of the displaced heroin addicts didn’t accept it. They moved into crumbling churches, abandoned buildings, vacant lots. They pitched tents on the grass at McPherson Square, where library staff regularly rushed outside with bottles of Narcan to save the overdosed. The police told the users to be on their way. Some of them moved to the abandoned and boarded-up Ascension of Our Lord Church, on a windswept corner of Westmoreland Street about a mile northeast of the tracks. They gathered in pews, beneath light raining through stained-glass windows. They left needles in the holy-water basin.

In October, outside the Rev. Billy Cortes’s trailer church, a bin overflowed with trash, and the ground was covered with syringes. Homeless men pushed grocery carts, and addicts shuffled up and down the sidewalk. None of the neighbors were out playing dominoes as they usually did. “People are afraid to go outside,” Cortes said. He blamed the city for working too quickly to clear El Campamento. There were more

drunk people, more needles in front of his house and on the street. Every day, for weeks, he saw someone overdose. Every corner of his block was littered with trash.



A woman struggling to inject heroin on Kensington Avenue. Jeffrey Stockbridge for The New York Times  
“Look at all these people,” he said. “Look at my neighborhood. See all this trash. Trash everywhere. It’s all dirty now! You think this is fair? This is the reality of this neighborhood. The job the city made is not good. These people don’t have a plan. The cleanup is good for the future, but at the moment it’s not a good thing.”

Winter arrived, and the addicts took shelter in four railroad underpasses beneath elevated sections of Conrail’s railroad tracks, at Kensington Avenue, Emerald Street, Frankford Avenue and Tulip Street. These new encampments were all within a half-mile corridor, just a short walk from where El Campamento had been. In general, the cleanup had pushed the market and the users east toward Olde Richmond and Port Richmond, where the population tended to be less Hispanic and more white. Areas that hadn’t seen a lot of activity in the past were now busy with drug use.

Desiree Gilman, a 34-year-old nurse with shoulder-length blond hair, lived in a rowhouse with her children about a block away from the Tulip Street underpass. Gilman was raised in the neighborhood and did everything she could to stay away from heroin. She focused on her career and raising a family. “But still,” she told me, “about 80 percent of my friends are either in jail or dead.”

Since the cleanup, her car’s battery had been stolen three times, and she had found a man sleeping in the back seat. She pointed at the tracks across the street. “I see people up there

sleeping. I see clothes in the trees. You just see people crunching through the leaves. It's creepy." In the mornings, she got her 5-year-old son ready for school and waited with him until the school bus came. "I feel bad for them," she said about the users. "I really do, but I can't have them shooting up on my steps. I don't want my kids to see it."

**At the Frankford** underpass, the users were all smashed together beneath piles of blankets and clothes. The ceiling dripped. Used syringes lay in puddles and buckets. Trash was everywhere — office chairs, a pleather love seat, plastic crates, trash bags stuffed with clothes. No one slept soundly. Traffic rushed by at all hours of the night. Users were injecting one another in the neck, sometimes because their arm veins had collapsed, but also because the neck was quicker and yielded a more potent high.

A 40-year-old man who went by the nickname Country looked at me with blue eyes and droopy brows. He used to be at the Kensington underpass but moved to Frankford after people found out he had H.I.V. They didn't want him around. Country slept on two flattened boxes. In the middle of the tunnel, where it was dark, I watched Country try to inject a man in the neck. Country was high and missed the vein. He kept going unconscious with the needle still in his hand.

A man named George sat on a soggy mattress, next to a rug with a tiger on it. He was a new arrival from South Philly. His eyes looked as if someone had scooped them out and filled them with mud. The night before, he said, two cars collided outside the underpass and a man was ejected through the windshield.

"Why come up here?" I asked.

"It's easier to be homeless here," George said. "You get help up here. You get food. Everything I have I was given from

somebody. The drugs are here — they are closer and cheaper.” George wiped his nose with his sleeve. “People think we are having fun down here. Are you insane? I live under a bridge.” I didn’t go to Kensington at night on Code Blue days in December, when the temperatures were dangerously cold. But the addicts were still there. They set up burn barrels to keep fires going, and the city opened emergency warming rooms. Even when the temperatures dropped to single digits, many of the addicts refused go to a shelter. For some users, opioid withdrawal was worse than the possibility of freezing to death.

**This January, Gov.** Tom Wolf signed a statewide disaster declaration, the first of its kind for a public-health emergency in Pennsylvania. There had been more than 1,200 overdose deaths in Philadelphia in 2017 — a 34 percent rise from 2016. Wolf pushed the state to roll back regulations that might be stopping users from getting help, like ID and sobriety requirements for shelters and treatment facilities. Instead of sending overdosed people back out onto the street, the city hired recovery specialists in the E.R. to talk to them about treatment. It handed out tens of thousands of doses of Narcan. It sent a van into the neighborhood to offer recovery services. It gave residents blue light bulbs for their porches, because the light seemed to make it harder for heroin users to find a vein.

Shanta Schachter, a community development consultant who was hired by Conrail during the cleanup as a liaison between the company and neighborhood organizations, watched the new encampments grow throughout the winter. Months before the Conrail cleanup began, she attended community meetings and chatted with neighbors. She had encouraged residents to take control of Kensington by planting trees in vacant lots, building fences, painting abandoned buildings, installing streetlights. During the cleanup, she was hopeful, but after she

drove through the tunnels, she was worried about the addicts living there. “It’s just such an incredible amount of suffering,” she told me. “It’s not like people are getting better. There aren’t resources to help the people who are addicted now. I don’t think anybody really knows how to get the addicts off the streets. It can’t just be new beds, or recovery services, or anything else. It has to be everything.”

The city was willing to try almost anything. In January, the Department of Public Health announced that the city would “encourage organizations to develop” supervised-injection sites, where people can bring their own drugs without fear of arrest and inject under the care of a medical team. There are roughly 120 of these injection sites around the world — although none in the United States — and research has shown that they reduce overdose deaths, connect addicts to long-term care and help keep neighborhoods clean of needles. There has never been a fatal overdose at an official safe-injection site. The Justice Department made it clear that it would view any such place to be in violation of federal drug laws, but Ed Rendell, the former Pennsylvania governor and Philadelphia mayor, threw his support behind a nonprofit group trying to establish one.

At one community meeting this March, city officials explained the idea to residents. The clinic would be located where the most overdose deaths occurred, and that very likely meant Kensington. Many of the overdose victims were white men, though, and some of the minority residents didn’t think it was fair. They worried that establishing a supervised-injection site in the neighborhood would condemn it to a permanent future of drug use. Brooke Feldman, a social worker, had planned to bring a homeless user named Johnny to the meeting, but when she went to the Tulip Street underpass that morning, he had

already died of an overdose. “He said he would use the site and wanted to be a part of the conversation,” Feldman told me. “He didn’t even live to be able to do that.”

Dan Martino, a community organizer who put together a march for overdose awareness, had been lobbying for a supervised-injection site for years. “We already have unsafe injection sites on every street corner in the city, and it’s not working out,” he told me. “It has to be easier to get help than heroin.”

**In February**, on a concrete stoop on East Tusculum Street near the Kensington Avenue tunnel, two sisters, Nancy and Dawn, watched the addicts. Dawn wore a green T-shirt that read, “Dawn’s drinking club,” and her blond hair was high in a ponytail. “Almost everybody I grew up with is either an addict or dead,” she said. “I’m like the only one.”

From the stoop, the Kensington underpass looked dark, like the opening to a rat hole. “The screaming at all hours of the night is way out of control,” Dawn said. “It basically sounds like they are killing each other.”

A woman sleeping below the Kensington Avenue underpass. Jeffrey Stockbridge for The New York Times  
Nancy’s nephew was an eighth-grade student at Visitation Blessed Virgin Mary, a Catholic school just on the other side of the tracks. Every day he walked back and forth through the tunnel, along with hundreds of other schoolchildren, while the addicts continued to shoot up beneath the dim lights. Some children avoided the tunnel by walking north to the B Street bridge and then swinging back around to Kensington Avenue. The sisters’ family had lived on Tusculum Street for five generations, and the kids had always been able to play on the street. The underpass used to be empty, and they took care of the vacant lot to make sure it didn’t turn into a dumping site.

Now they woke up to find feces and urine on their stoops. They swept needles off their steps, and they took their plants inside because the pots filled with syringes. They wouldn't let the children play in the snow because of the buried needles.

Dawn lived one door closer to the tunnel than Nancy. "In all the years we have been here, it was never like this," she said. "They lived on the railroad, like way up that way, where there are no houses. But you know, we don't count, so whatever."

"They eat, like, six times a day," Nancy said. "They eat more than I do. They get coffee and doughnuts in the morning. They brought them tents and blankets. Their drug dealer is two blocks away."

"They have no reason to go when everyone is giving them absolutely everything," Dawn said. "The only thing we wish they had is a bathroom."

"There is one girl down there with blond hair," Nancy said. "I literally see her go to the bathroom at least four times a day right there. She walks 10 steps out from the tunnel, with her back facing us, pulls her pants down and goes. I can't deal with it anymore. We were thinking about opening that fire hydrant and letting that water go. Just flood them out." She looked east. "Tulip is already starting to fill up. If the addicts migrate to Port Richmond, the neighbors are going to riot."

With pressure from the neighborhood, the city agreed to remove the homeless addicts from the Tulip Street and Kensington Avenue tunnels. A deadline was set for the end of May. In a news release about the removals, the city's managing director said the camps "pose a health and safety threat to those who stay there as well as to the neighbors." As for the other two encampments, the city didn't have the resources. The residents would have to wait.

Liz Hersh, the director of the Office of Homeless Services in

the city, described the underpass encampments as one of the most complex and challenging aspects of Philadelphia's opioid crisis. The city wanted to respond to the needs of the residents, she told me, "in a way that was also humane for those suffering from addiction," even when those needs were not always one and the same. The goal was to get as many people as possible into treatment or a shelter by the end of May, but a new approach was needed.

Clothing, garbage and remnants of makeshift homes along the abandoned tracks near the Tulip Street underpass.Jeffrey Stockbridge for The New York Times

The city realized it needed to help get people into treatment more quickly. Outreach workers began evaluating people for treatment in the tunnels and on the streets, ushering them into vans for privacy. They were able to dose some users immediately with Suboxone and transport them to care. In just two weeks, more users agreed to go into treatment than had in the previous six months. "At the Conrail cleanup," Hersh told me, "we all thought everyone should go into treatment, and it turned out that offering them homeless services, and specifically low-barrier housing, gave us better results."

But as the city worked to clear the encampments, the drug dealers seemed to become more aggressive. On a small block off Kensington Avenue, someone threw a Molotov cocktail through a resident's window. Dealers were looking for turf, but residents were demanding that they stay off their blocks.

"That's the level of danger and violence we face," Eduardo Esquivel, a resident, told me. His wife was threatened by a panhandler, and his neighbor was surrounded in his car with a young child when users swarmed his block for free samples.

"My worry," Esquivel said, "is we are being asked to face this epidemic as a neighborhood, but the threat of violence is very

high and very real, and it's only getting worse."

**On the day** of the removals, protesters — a mix of outreach workers and activists — marched through the streets. They plastered the underpasses in signs that read "Eviction = Death." They wrote, "Who is human?" on the sidewalk in green chalk. Homeless Services workers carried clipboards and continued to try to get people into treatment or shelters. Police officers stood guard about every 10 feet. Volunteers handed out sanitary wipes and bottles of Gatorade. Sanitation workers threw heaps of trash into the mouth of a garbage truck.

At Tulip Street, two men dragged a tent into the trees on top of the viaduct. The younger man started popping his boils in a side mirror of a school bus while the other man called his mother. "Hey Mom, it's Nathan," he said. "Just letting you know I'm alive. I love you. Bye."

Nathan put down the phone. "I'm going to rehab," he told me. "If there is anytime to go, then now is the time."

"Will this be your first time?" I asked.

"No," he said. "This is the ninth time."

Another homeless man came out of the trees behind us. He looked down at himself. "Please don't take my photo," he said. "My family would be devastated."

Nancy, Dawn and a neighbor pulled out butterfly chairs to watch the removals unfold at the Kensington Avenue tunnel. "I have two children in addiction, and this is ridiculous," the neighbor said. "That's a life choice."

In a lot in front of their homes, the police dragged a shirtless man off a mattress. A young woman with a pink backpack kept going unconscious with a cigarette in her mouth. On the other side of the tunnel, people waited in line at One Pound Cheese Steaks while users shot up in the adjacent lot. Next to the counter, a man lay unconscious. "We are trying to keep it

together for the community,” an employee told me, “and it’s not working out.”

Mark and Sarah, the couple who stopped in Kensington to buy drugs and never left, were being removed from the Tulip underpass. Mark wore an American-flag tank top and his sandy-colored hair curled beneath a baseball hat. “Sapper school,” he said, referring to the Army training course for combat engineers, “was probably the hardest thing I did in life. I don’t know how I did something like that but I can’t get my [expletive] together out here.” He and Sarah filled a shopping cart with damp clothes and a moldy sleeping pad tied with a bungee cord. They were going to push the shopping cart to a shelter. “It’s kind of a hike from here,” he said, “but that’s where we go to cop drugs anyway.”

Country was out wandering the avenue. He was almost unrecognizable, with thin limbs and sunken cheeks and a shaved head. “I don’t know what I’m going to do,” he said. “Where’s your stuff?” I asked.

“This is my stuff.” He had a pocketful of syringes. He turned his back to me and began to cry. He cried for a minute, until the train rushed overhead and drowned him out.

By noon, the Kensington Avenue underpass was empty. Dark clouds made the early afternoon feel like twilight. Dawn waited on her stoop with her arms crossed. She pointed to the empty lot behind a factory just east of her block. “They are building a new camp right over there,” she said. “They told me they are going to come right back.”

There were already about 30 people in the lot, injecting, defecating and sleeping. One of them, Krista, 30, told me she started using heroin after she was raped in college. She was crouched over a lavender purse cleaning a crack pipe and wore a T-shirt that said “Perfect is Boring.” “If I’m a little further

away, I have this nervous feeling that I need to come back to Kensington,” she said. “It’s like a big dysfunctional family. I guess this is the one place I belong.”

A portion of the factory, on the corner of East Somerset and Ruth Streets, was being converted into a \$17.8 million office building with low-income housing. Residents were already living there. It was supposed to be a sign of hope. But Country had told me it was one of his new favorite places to shoot up. Someone had spray-painted “Gentrification Is Genocide” on the wall.

**More than 100** people from the tunnels accepted shelter or treatment. Others were incarcerated or moved away or died. Some of them joined the encampments at Emerald Street and Frankford Avenue or pitched tents in abandoned lots. Others just disappeared.

In a single weekend over the summer, 173 people overdosed from the same bad batch of heroin. It was called Santa Muerte, or Saint Death, and witnesses said people were responding in ways they hadn’t seen when waking up from an overdose. They were agitated and scratched the air in pain.

The city plans to clear the other two encampments in the coming months. This time, activists are worried that the users will go deeper into hiding, that more of them will die alone.

“We are still not done,” Devin Reaves, who participated in the mayor’s opioid task force, told me. “Until we see a decrease in overdose deaths year after year, I don’t know if you can say we have done enough,” he said. “How can we say we made an impact if people are still dying?”

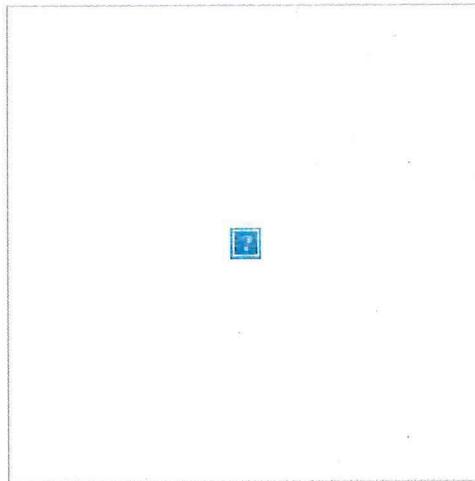
Sometimes addicts died in Kensington and no one claimed the bodies. Investigators searched for loved ones, but if none could be found, the remains were buried without a funeral. Some residents mourned in their own way. They wrote the names of

the dead on walls or sewed patches with portraits onto a quilt. Small memorials began appearing on land near the railroad tracks and in gardens along Kensington Avenue, close to the place the addicts had called home.

**From:** [Safe & Sound \(formerly the San Francisco Child Abuse Prevention Center\)](#)  
**To:** [Scott, William Chief \(POL\)](#)  
**Subject:** Mateo had a hard time listening to his mother  
**Date:** Tuesday, September 25, 2018 10:00:28 AM

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[View this email in your browser](#)



*"I'm scared when he runs across the street and doesn't listen when I tell him to stop. I'm so scared he's going to get hurt. Then, I get really angry and worry my anger will take over, like my parents did with me."*

---

Elena, a young single mother, was worried. She didn't know what to do about her 3-year-old's behavior issues, and she needed help dealing with the stress of a child who just wouldn't listen.

As a Parent & Child Educator at [Safe & Sound](#), I counsel parents like Elena who worry that the stressful moments of parenting will escalate — like they often did with their parents when they were growing up. Elena feared what might happen if her anger took over.

Elena and I began weekly one-on-one counseling, working on parenting techniques to help her son, Mateo, regulate his behavior. During our sessions, our therapeutic caregivers supported Mateo and his social-emotional learning in our Children's Playroom.

Within six months, Elena reported great improvement in Mateo's behavior and in her own ability to control her anger. You can read more about [our work together](#). ***I also hope you will consider making an impactful gift to Safe & Sound in support of our programs that help thousands of families like Elena's every day.***

Together, we will ensure all children are safe, families are strong, and communities are sound. Thank you for partnering to end child abuse and strengthen families.

Best,



Briana (Bri) Danielson  
Parent & Child Educator at Safe & Sound

*P.S. A gift to Safe & Sound will help us serve over 1,000 families at our family support center in 2018. Please make your contribution today.*

[Donate Today](#)



Safe & Sound was formerly known as the San Francisco Child Abuse Prevention Center.

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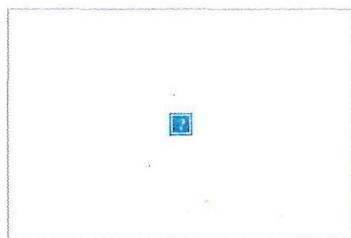
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1757 Waller Street  
San Francisco, CA 94117

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**From:** Stevenson, David (POL)  
**To:** Scott, William Chief (POL); Moser, Bob (POL); Connolly, Michael (POL); Pedrini, Christopher (POL); CABRERA, ALICIA (CAT)  
**Cc:** Andrychak, Michael (POL); Gatpandan, Grace (POL); Rueca, Robert (POL); Tomlinson, Joseph (POL); Stevenson, David (POL)  
**Subject:** Please read: SF Chronicle story on Building 606 (just went live)  
**Date:** Thursday, July 26, 2018 6:22:48 AM

<https://www.sfchronicle.com/news/article/Amid-a-toxic-landscape-SF-found-a-home-for-its-13101114.php>



## Amid a toxic landscape, SF found a home for its elite cops

www.sfchronicle.com

Fourteen years before the lump appeared on his neck, Nelson Lum's San Francisco police unit was transferred to a new office in an unexpected location: the former Hunters Point Naval Shipyard. The shipyard is a federal Superfund waste site. By definition, it's one of the most contaminated places in the country, tainted by radioactivity, heavy

Fourteen years before the lump appeared on his neck, Nelson Lum's San Francisco police unit was transferred to a new office in an unexpected location: the former Hunters Point Naval Shipyard.

The shipyard is a federal Superfund waste site. By definition, it's one of the most contaminated places in the country, tainted by radioactivity, heavy metals and other pollution. But in 1996, the toxic land offered what few places in San Francisco could: lots of space for a low price.

That year, the city decided to lease a large, empty building owned by the Navy for below-market rates. Known only as Building 606, it became the new headquarters for some specialized police units, including the SWAT team, the bomb squad, the dirt-bike unit, the K-9 Unit and the crime lab. Before long, more than 100 officers and civilians were clocking in at the shipyard every day.

### DANGEROUS GROUND

Hunters Point Shipyard residents sue developer, citing

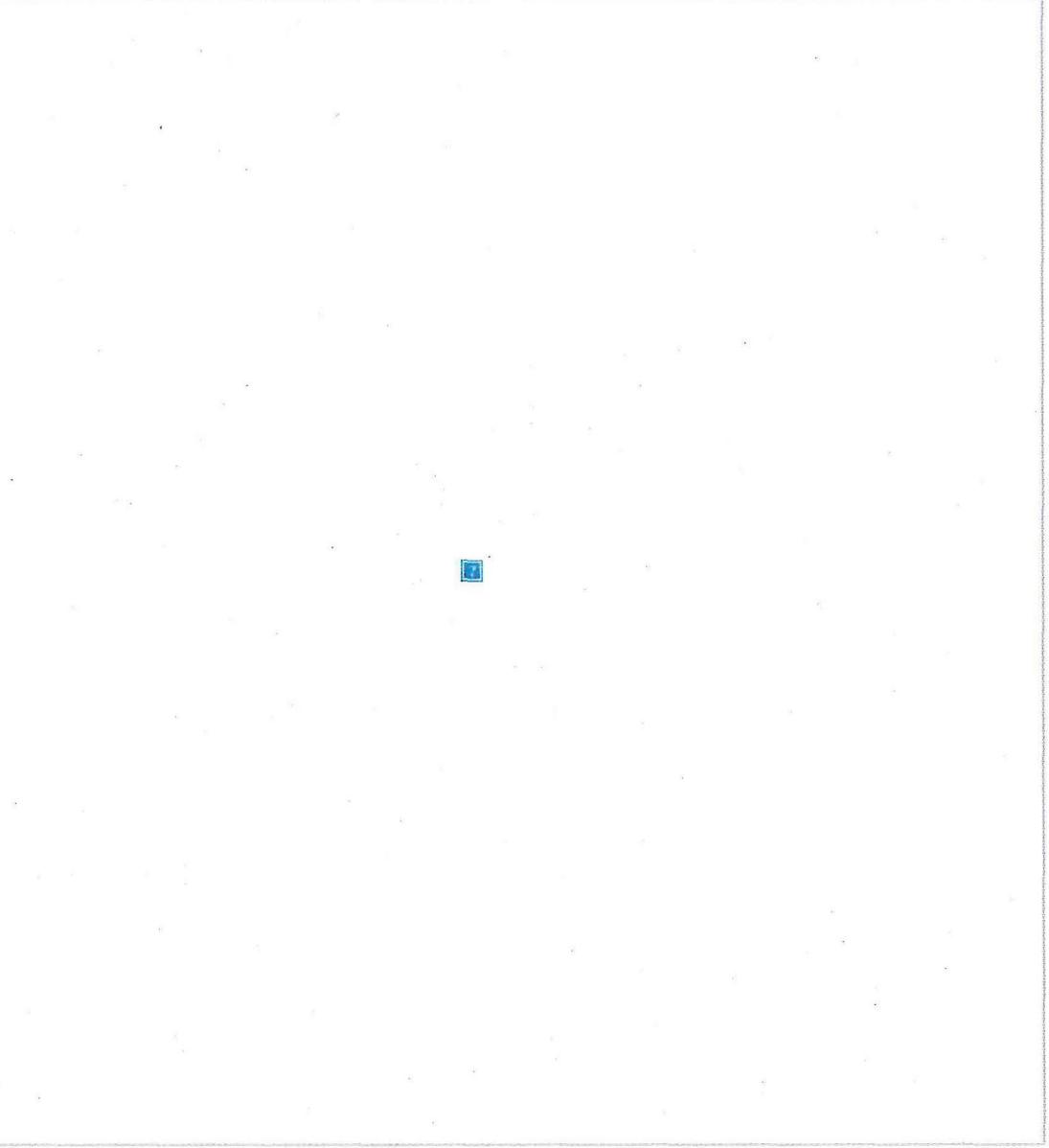
Building paused as questions linger over contamination at SF's

It was safe, according to the city and the Navy. They told the people in Building 606 that any nearby toxins were minimal, too scant to cause harm.

"The building is clean, absolutely, and the area around it is clean," a Navy representative promised in a March 1997 news story.

But at times, the cops felt unsure. Lum took Police Academy recruits on training runs around the shipyard, and more than once he was stunned when they passed Navy contractors outfitted in HazMat gear: goggles, respirators, disposable Tyvek uniforms.

"I'm in my shorts, and here are these guys walking around in space suits," Lum recalled. "What's wrong with this picture?" Lum, 70, spent thousands of hours at the shipyard over eight years, working there every day for about a year, then returning regularly to lead SWAT exercises and academy trainings. He retired in 2005 and didn't think much more about it.



Nelson Lum holds a photo of himself as a San Francisco police officer. Lum, now retired, worked in Building 606 at the former Hunters Point Naval Shipyard, a Superfund cleanup site. Lum and several other officers contracted cancer but are not sure working at Building 606 is linked to the disease. | Santiago Mejia / The Chronicle

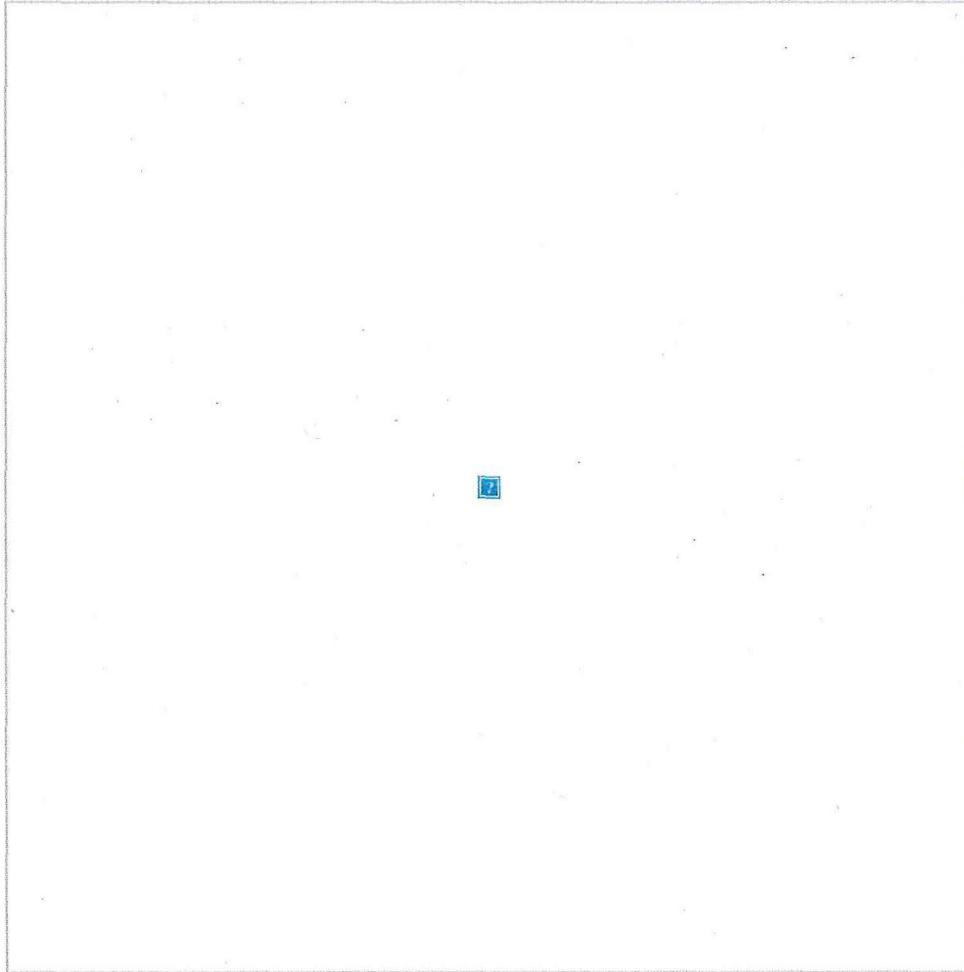
In 2011, his wife noticed the lump on his neck. A biopsy confirmed it was malignant. Lum had thyroid cancer.

He asked  
his

doctors if there might be a link to his time at the shipyard. They said they had no way of knowing. Now cancer-free after two surgeries and two courses of radiation, Lum has been thinking about the shipyard again in recent months, alarmed by a scandal that has rocked the Navy's billion-dollar effort to remove toxic material from the site.

The cleanup is a sprawling drama with a large cast. The Navy owns the land and hires contractors to test it and haul away contaminants. The U.S. Environmental Protection Agency and other

regulators oversee the work. But somewhere along the line things went awry. Half a dozen former radiation workers have accused the main cleanup contractor, Tetra Tech, of violating safety standards to save money and make the site appear clean when it wasn't. Two former Tetra Tech supervisors were sentenced to federal prison this year after admitting they falsified records and swapped soil samples. And the Navy and EPA say they have found wider patterns of likely fraud or manipulation in many radioactivity measurements across the site.



Last year the Navy revealed that Tetra Tech's measurements of radioactivity near the police building showed "evidence of potential data manipulation or falsification." Until the areas are re-tested, it's unclear whether radioactive materials remain in the soil at dangerous levels.

Tetra Tech has stood by its work and contested the whistle-blowers' allegations, saying that "claims made against Tetra Tech EC by a handful of former subcontractors and employees are false." Yet now the Navy is preparing to retest much of the shipyard.

"We pretty much believed that the city would not put us in danger," Lum said. But lately, after hearing about problems with the cleanup, "I mean, it makes you wonder."

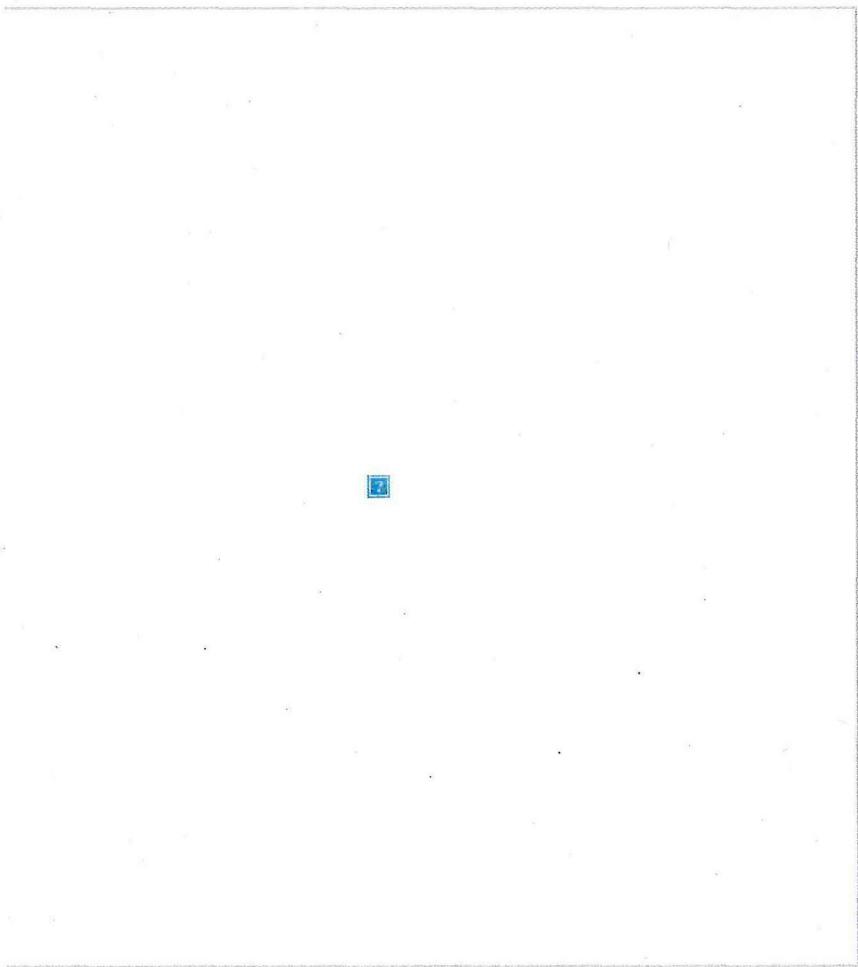
Lum is  
among

hundreds of cops and civilians who worked at Building 606 over the years, and one of many trying to figure out if they were put at risk. The city still leases the building; about 40 police employees work there today.

In early May, another retired SFPD officer contacted The Chronicle, asking whether reporters had heard of Building 606. Since then, Chronicle reporters have interviewed 30 former police

officers who worked there and have examined hundreds of documents related to 606 and its surroundings, including leases, emails between public officials and decades-old Navy files. Those records show the shipyard posed threats to city employees from the beginning. According to city and Navy reports, Building 606's tap water and the ventilation system were initially contaminated, and toxic gases were released near the building on multiple occasions. The Navy later discovered radioactive materials next door to Building 606 and in surrounding areas, raising the possibility of wider problems. But the Navy waited years to probe further — and when an investigation was finally performed, it was done by Tetra Tech, whose work is now in question.

## Contamination and construction at Hunters Point



### urd

In the 1940s, the Hunters Point Naval Shipyard was a mighty economic engine driving jobs to the Bay Area, and for the last quarter century, the city has tried to bring it back to life. But radioactive and chemical toxins in the shipyard's soil have proven difficult to remove. A massive cleanup effort has cost more than two decades and \$1 billion and still isn't done. The Navy now plans to retest much of the land for radioactivity, amid a scandal over faulty soil samples.

Retired officers told The Chronicle that potential hazards weren't clearly explained.

"We called it the Land of the Lost because they left us out there," said Paul Swiatko, 68, a retired officer who was stationed at 606 with the Honda Unit dirt-bike officers. "We were kept in the dark."

The Navy and SFPD sent statements in response to questions for this story, emphasizing that the building is safe.

"Based on a review of all available site related information, the Navy remains confident that Building 606 is safe for occupancy," wrote Derek Robinson, the Navy's environmental coordinator for the shipyard. A police spokesman said "concerns and potential issues" about 606 over the last two decades have been documented by commanders and "promptly addressed." He said the San Francisco Department of Public Health "has consistently assured SFPD that Building 606 is safe for the men and women who work there."

The  
health

department is the lead city agency monitoring the shipyard cleanup. In response to questions about Building 606, a spokeswoman wrote, "It is very important that the past and current occupants of Building 606 know that they were and are safe, and that there is no evidence of exposure to health hazards related to the Shipyard cleanup in that building. Because there is no exposure, there is no risk."

An EPA spokeswoman said in an email that the lease restricted cops to safe areas, and added that the building was designed to protect workers from any contaminants that might lay beneath. "EPA believes the workers in Building 606 are protected from potential radiological and volatile organic compound contamination," she said.

This, in essence, has been the official story for decades, told in certainties and absolutes. The shipyard has been portrayed as a known quantity and its cleanup as a tidy process, controlled by restrictions noted on paper, fences in the field, and oversight by multiple regulators.

The reality is more complex, as the saga of Building 606 demonstrates. It goes beyond cops and dirt, helping explain why San Francisco's most important redevelopment project since the 1906 earthquake has consumed a quarter century and a billion dollars and still isn't done. Records show that officials shortened environmental reviews as part of a scramble to open the shipyard to commerce. The Navy distorted the history and potential risks of the Building 606 site. And the city signed on. The ones with the least power, and least information, were the hundreds of people who worked there. And for them, the shipyard was a place of chaos, danger and mystery.



A million tons of water shoot up in a giant column a mile high near Navy ships during an atomic-bomb test off Bikini Atoll in the Pacific on July 25, 1946. Many of the vessels, which were heavily contaminated with radiation, were sent to the Hunters Point Naval Shipyard in San Francisco, where Navy scientists were studying the effects of such radiation. | Getty Images / Science Source 1946

### Fallout

On July  
25, 1946,

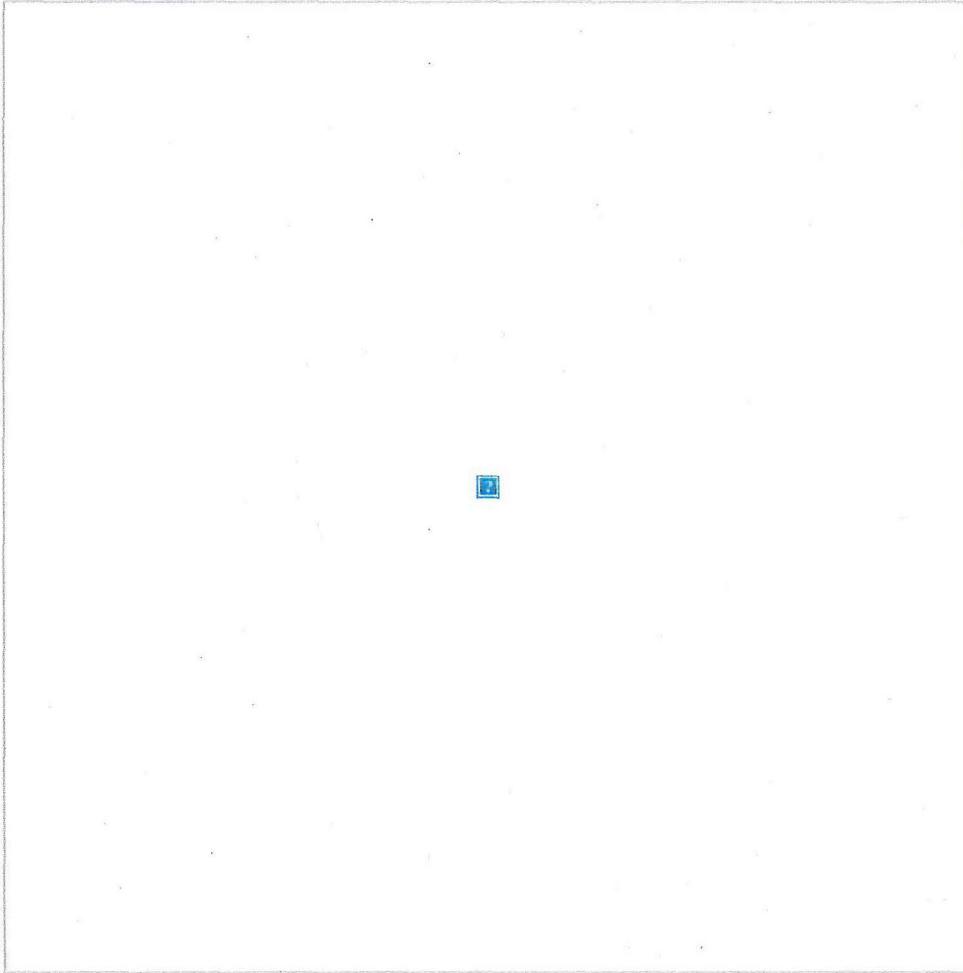
off Bikini Atoll, a set of small islands in the Pacific, the U.S. military performed one of the most dramatic atomic tests of the 20th century, known as Shot Baker. A large bomb was detonated underwater. The ocean heaved. In “**a giant and unprecedented spectacle**,” as one military account later described it, a million tons of water spurted up in a great white column a mile high, spreading into an incandescent dome of toxic moisture.

At the dawn of the Cold War, the military wanted to know how ships and people would be

damaged by the deadly and long-lasting radioactive poisons spread by nuclear explosions. So they brought nearly 100 "target" ships to Bikini, some loaded with live pigs and sheep, and set off two atomic bombs at close range, the second of which was Baker.

The results startled U.S. officials. They had expected some contamination but not the near-total poisoning they observed among the assembled cruisers, battleships and aircraft carriers. Shot Baker soaked the ships, turning them into "[radioactive stoves](#)" that "would have burned all living things aboard with invisible and painless but deadly radiation," officials wrote in a secret cable to the Joint Chiefs of Staff in Washington.

The Navy tried to decontaminate the ships at Bikini, sending in crews of sailors to scrub the decks with soap and brushes. It didn't work. Their clothes became radioactive. The pigs started to keel over and die.



The U.S. military set off two atomic bombs in 1946 during nuclear tests in Bikini Atoll, leading to a startling amount of contamination, according to [a secret cable sent to the Joint Chiefs of Staff in Washington](#) and later unearthed by the National Security Archive.

The military ordered the "the most heavily contaminated ships" to proceed to Hunters Point, where a group of Navy scientists and civilians had been studying radiation. The U.S. government hoped these experts might know how to handle the radioactive death armada it had created.

Eighteen target ships and 61 support ships made the voyage to San Francisco. When they arrived, the scientists examined them, dragging the nuclear fallout into the shipyard.

First known as the RADLAB, then the Naval Radiological Defense Laboratory, or NRDL, the Navy's research group was centered in the southern end of the shipyard. The 500-acre shipyard

is shaped a bit like a human left hand. The original NRDL buildings stood in the depression of the palm — the same area where, decades later, hundreds of elite San Francisco police officers would be stationed.

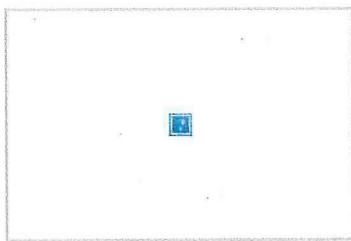
Among these buildings were “hot” chemistry and biology labs, kennels for animals given lethal doses of radiation, and storage vaults for radioactive elements used in the experiments. The Navy also stashed drums of radioactive waste in temporary shacks in the area.

In the decades to come, one of the buildings in particular would shape the police presence at the shipyard: Building 503, originally a kitchen and mess hall. After the A-bomb tests, Navy leaders realized that a special facility was needed to wash the contaminated clothing of sailors at Hunters Point. An “urgent” request for funds was made, and a laundry was installed inside 503 — a “Radioactive Laundry.”

The 1940s and '50s were a more lenient era, safetywise.

Navy records describe the shipyard's first radiological safety section as a “small band” of junior officers with equipment consisting “of one coffee pot and six Geiger counters, only two of which worked.” To illuminate the dials of instruments and base signage, the Navy used glowing paint made of radium-226, a powerful radiation emitter that decays into radon gas. Spills of radioactive materials were not uncommon. At the Radioactive Laundry, each wash cycle could flush more than 100 gallons of waste water through the pipes and drains, potentially leaking into the soil.

The work left behind unknown quantities of what the Navy calls “radionuclides of concern,” everything from the radium in the dials to the components of atomic fallout and science experiments, including cesium-137, which emits harmful beta and gamma rays, and strontium-90, which mimics calcium and damages bone marrow, possibly leading to cancer.



Amid a toxic landscape, SF found a home for its elite cops

[www.sfchronicle.com](http://www.sfchronicle.com)

Fourteen years before the lump appeared on his neck, Nelson Lum's San Francisco police unit was transferred to a new office in an unexpected location: the former Hunters Point Naval Shipyard. The shipyard is a federal Superfund waste site. By definition, it's one of the most contaminated

The NRDL closed in 1969, but

Photo: Bob Campbell / The Chronicle 1955

#### IMAGE 1 OF 9

Rear Adm. Frederick Furth (left), Rear Adm. Albert Mumma and Dr. P.C. Tompkins at the Navy Radiological Defense Laboratory at the Hunters Point Naval Shipyard in San Francisco on Oct. 25, 1955.

radioactivity remained, in the drain lines and the soil, and the Navy mostly just left it there, razing former rad-lab structures and creating some new buildings atop the old soil.

This was the case with Building 606, the future police office. Originally intended to support a historic battleship, it was a roomy steel rectangle, with 54,000 square feet of warehouse space on the first floor and another 36,000 square feet of offices. The Navy built it in 1989 directly above the former site of the Radioactive Laundry. Its parking lot to the south grazed the soil footprints of two former radiation laboratories.

Despite the history of the property, the Navy didn't check the soil for likely contaminants such as radium-226, cesium-137 and strontium-90. Instead, it decided on a strategy of prevention. It scooped off the top 5½ feet of soil from the old laundry site and set it to the side, using the void as a crawl space beneath a portion of the new building. The crawl space was ventilated and covered with a concrete slab. Such barriers may diminish radiation and other hazards, but don't necessarily eliminate them.

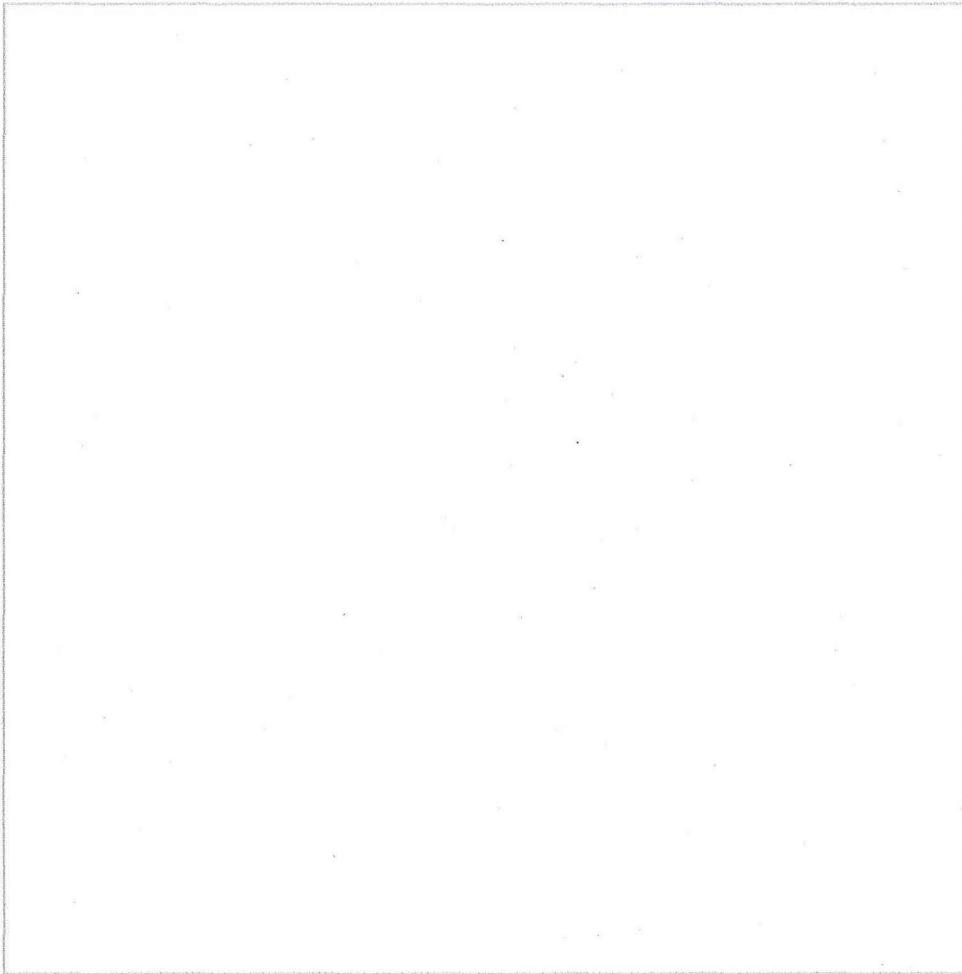
As soon as it was completed, 606 was no longer needed. The battleship wasn't coming to San Francisco, after all. The building sat vacant until 1991, when it was briefly pressed into service as a military post office during Operation Desert Storm. Then it emptied again until 1994, when a film company subleased it temporarily as a soundstage for the children's movie "James and the Giant Peach."

The film crew entered, the stop-motion models were shot, the peach ascended into a cartoon-blue sky, and again 606 was abandoned, another shell in a ghost town.

The city of San Francisco saw an opportunity.

### **Good to go**

A list of vacant shipyard buildings started to circulate through San Francisco city offices in 1994. For city officials, the document was like a treasure map. They had dreamed of developing the shipyard, of transforming the desolate, windblown acres into houses, businesses and new streams of tax revenue. "The investment opportunity here represents something that's unique in America," former Mayor Willie Brown would say two decades later, in 2013, at the groundbreaking ceremony for the first housing development on shipyard land. "There is no other piece of soil as potentially lucrative and profitable for the public sector and private sector." Brown is a principal at an investment fund that raises money for the site's master developer, Lennar/FivePoint, and a former adviser who worked on shipyard leases, Kofi Bonner, is FivePoint's co-chief operating officer.



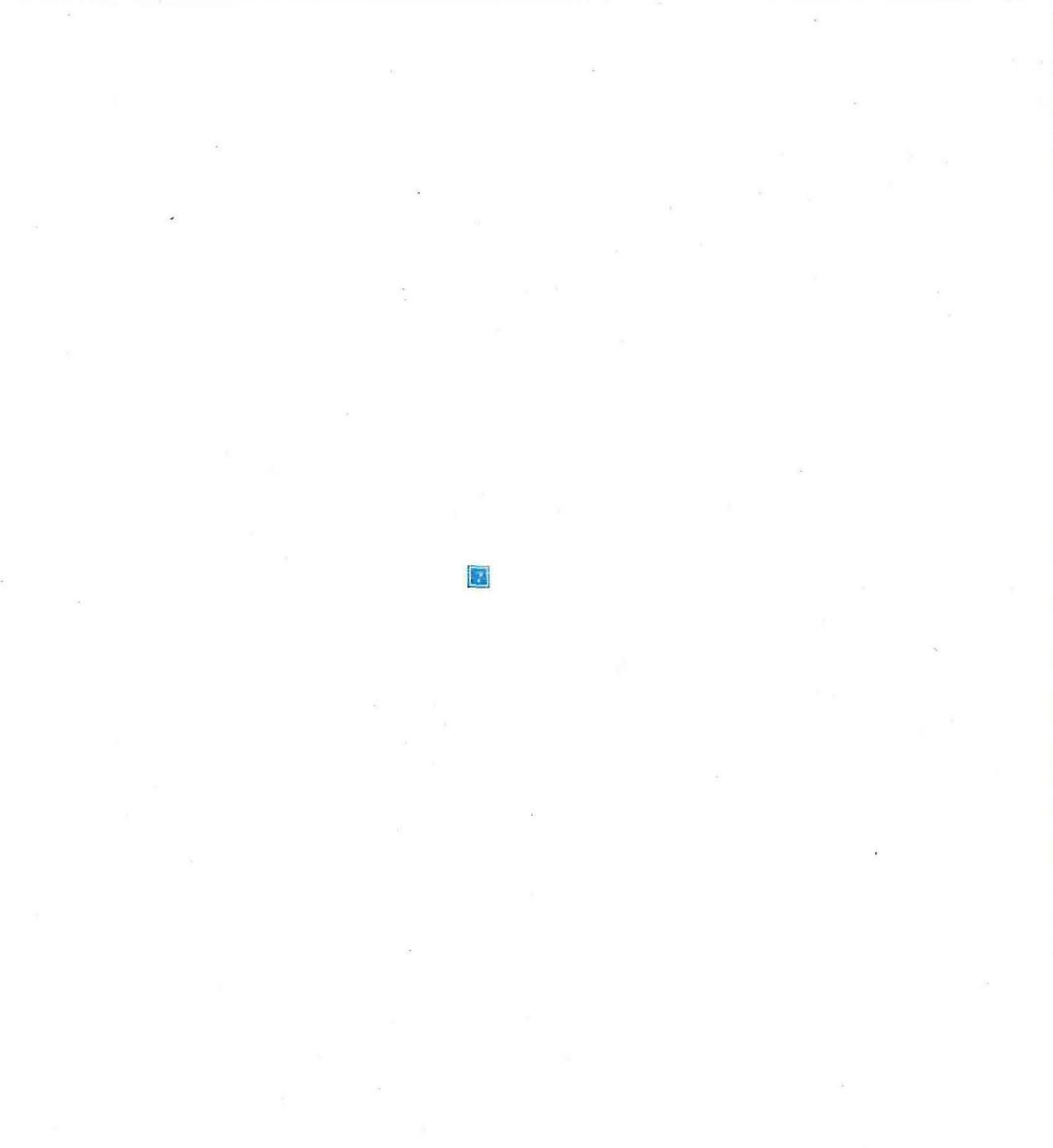
San Francisco Mayor Willie Brown exchanges pens with Navy Secretary Gordon England in Washington after signing an agreement with the Navy for a master plan for the cleanup of hazardous waste at the former Hunters Point Naval Shipyard, as Sen. Dianne Feinstein and Rep. Nancy Pelosi watch on Jan. 23, 2002. | Terry Ashe / Associated Press 2002

In the beginning, no one knew how much the shipyard would cost to clean up, or how long it would take, but everyone was in a hurry to get started. The city wanted to develop the land. The Navy wanted to be rid of it. And Brown, who took over the mayor's office in 1996, wanted a legacy.

To the city, leasing some of the shipyard's empty buildings seemed like a logical first step, and it had a perfect tenant in mind: the Police Department. At the time, its Tactical Division was spread across four city locations, decreasing its effectiveness. The city priced the monthly rents for buildings of similar size: \$275,052 for a warehouse next to Candlestick Park, \$138,000 for space on Harbor Bay Island in Alameda. In contrast, Building 606 would cost a mere \$18,000.

On Feb. 13, 1996, Brown appeared at Building 606 with Navy officials, announcing the deal: The city's development agency would lease 606 and two additional buildings at Hunters Point, subleasing 606 to the Police Department. Brown hailed it as a first step in bringing life back to the shipyard.

"The sooner the Navy gets out of town, the better," Brown joked.



Members of the San Francisco Police Department's Special Operations Tactical Company take a group photo outside Building 606 at the former Hunters Point Naval Shipyard. Some officers who worked in the building worry that hazards in the shipyard may have compromised their health. | San Francisco Police Department

On Wednesday, Brown, who writes a column for The Chronicle, said the decision to move officers to the site was pushed by the department brass, but was one that he supported: "My capable police chiefs at the time recommended using that site, and I approved it. We were working with the information we had at the time."

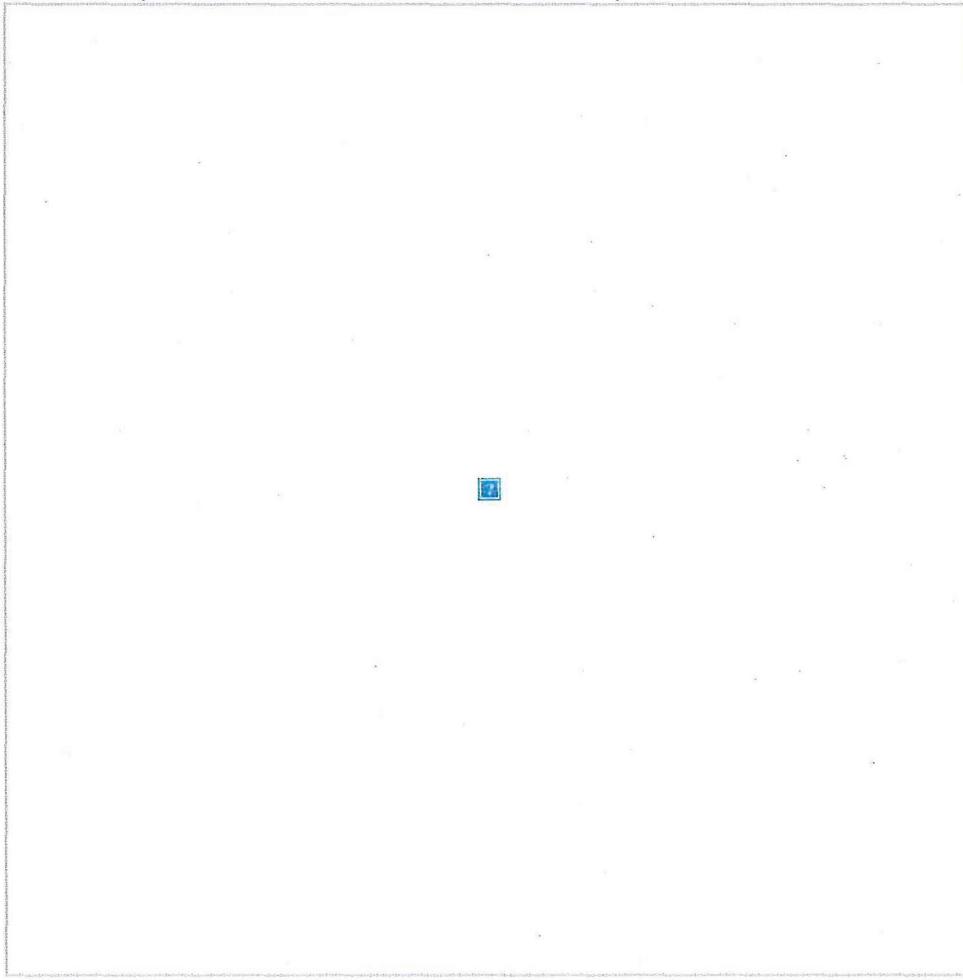
Brown said he couldn't recall specifics behind the move to the shipyard. But city documents from 1996 suggest he was a driving force behind it. A specialist at the development agency referred to "the Mayor's desire to place the Field Operations Bureau of the Police Department in Building 606," and a police captain "said he thought the Mayor wanted the SFPD out there long term." When Brown and others pitched the 606 deal to the public, the focus was on the promise of economic development, not the health and environmental challenges of running a busy office at a

Superfund site. In documents required by federal law, however, the Navy and EPA had been taking an inventory of toxic material.

At Superfund sites authorities set “cleanup goals,” acceptable levels of different contaminants based on the cancer risk posed to humans living or working on the site. In the early 1990s, the Navy found substances in the soil around Building 606 at elevated levels requiring cleanup, including heavy metals like lead that can cause brain damage and industrial chemicals like benzene. To the west lay two toxic areas: a waste dump 800 feet away, containing about 2,750 radioactive radium dials, according to one city estimate, and a landfill a little farther north full of hazardous chemicals discharged by a ship-repair company.

As early as 1993, the Navy also knew there were serious problems with lead and copper in the drinking water supplied to shipyard buildings. The water was corrosive to pipes, leaching lead into the water at unsafe levels.

Although the Navy listed some known hazards in lease documents for Building 606, the leasing process was built for speed. The original term of the lease was short, limited to a year and a half. The Navy concluded that a temporary police presence would cause “no significant impact” to human safety or the environment, which cleared the way for an abbreviated review of the site.



When the Navy leased Building 606 to the city, **the Navy failed to mention** that the structure was built on the site of a former “contaminated laundry” that had been used to wash radioactive clothing.

The Navy offered the building “as is” and included a few restrictions: The city had to put up a fence encircling 606 and couldn’t dig in the soil without Navy approval. “Although contaminants

may be present immediately outside and nearby Building 606, they are not accessible if proper precautions are followed," the Navy wrote.

The site's extensive radioactive history was summarized in a few brisk and misleading paragraphs. "No radiological hazards are expected."

The Navy didn't mention that a Radioactive Laundry had operated on the land where Building 606 sits. The Navy gave the former structure a more innocuous name, Ship's Subsistence and Laundry, and wrote that it had no history of "the storage or use of hazardous materials."

As for the lead and copper in drinking water, the Navy didn't mention that either, although the sublease to the Police Department did point out the moral dangers of doing business with Northern Ireland or Myanmar, as required by city code.

The EPA signed off on the paperwork, the Board of Supervisors approved the lease, and the city prepared to move in — over the objections of the Police Officers Association. The city health department promised to monitor the cops' well-being, agreeing to assign an industrial hygienist to Building 606 to keep them informed about any risks posed by the evolving cleanup.

"Hazardous waste sites can contain many unknowns," city health official Vickie Wells wrote in a letter to a police captain.

To reassure the police, the SFPD held a big meeting in January 1997. The Navy and Mayor Brown's office sent representatives. Several of the cops who went to the meeting recalled that the Navy official described their area as clean.

[Listen to the full podcast](#)

"I was worried because I knew they did nuclear testing," said Alexandria Brunner-Jones, a K-9 officer at Building 606 from 1997 to 2010. "They said, 'No, we've done all the soil samples, it's clean, you're good to go.'"

At one point, according to several officers who were there, an officer asked the mayor's aide: "If your kids were to attend school at that Superfund site in the shipyard, would you be OK with it?"

After a long pause, the aide replied, "Well, I can't answer that question."

"You just did," the cop said.

### 'Blue canaries'

From the main gate of the shipyard, it's a mile to Building 606. Start at the top of the hill, on a 75-acre chunk of land known as Parcel A, where a private developer now sells million-dollar homes, and drive downhill into a grim plain of mostly derelict buildings that stretches to the bay. Crows, wind, dirt, broken windows. Keep going south, toward the water, and one building stands out, an intact two-story structure with light-gray siding and four palm trees flanking the entrance: Building 606.

"We trusted that it was a safe area," said Eddie St. Andre, 80, a retired SWAT officer. "That the city wouldn't even allow us to go out there if it was a hazard."

The cops didn't know it when they moved in, but the building had been sitting dormant for six years, and the Navy hadn't cleaned it. When the ventilation system was turned on, years of accumulated dust and other debris went coursing through the building.

The tap water tasted funny, too. Occupants complained of a greasy texture, an oily smell. The Police Department brought in bottled water, at a cost of \$450 a month.

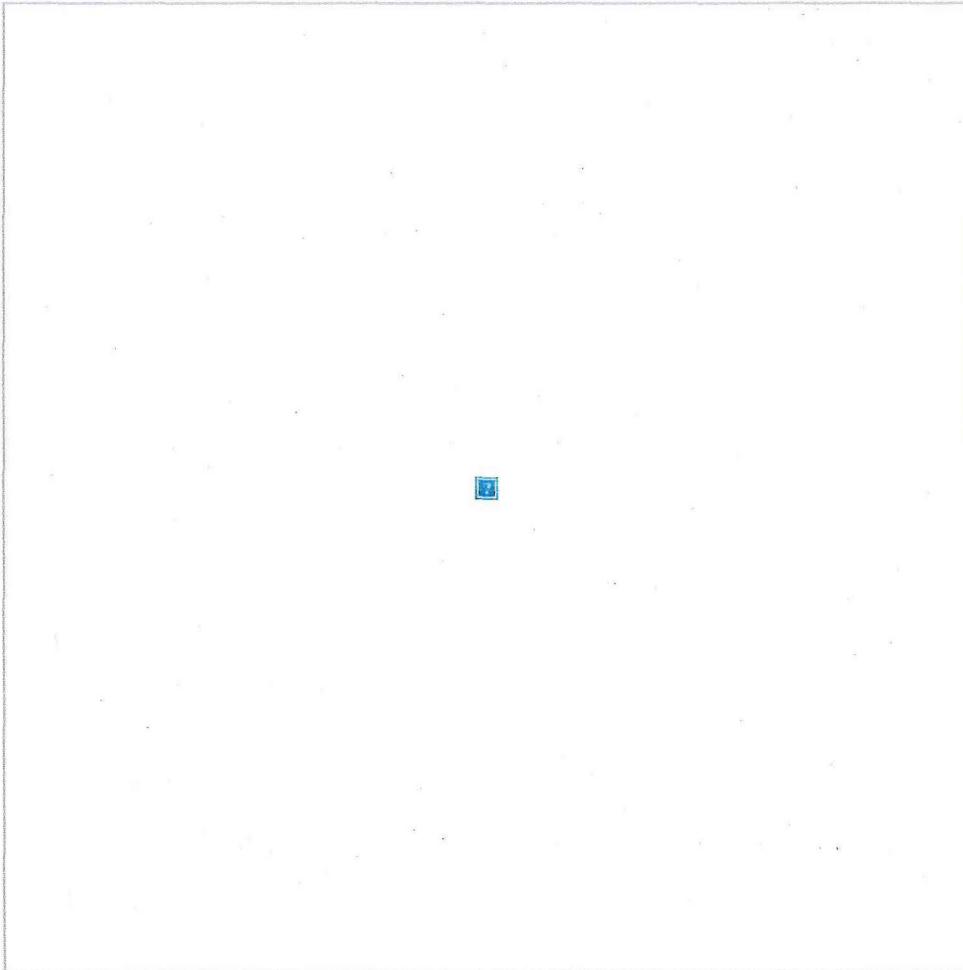
[Listen to the full podcast](#)

Cops started getting sick. A physician with UC San Francisco examined eight officers and documented dry coughs, eye irritation, rashes and headaches, as well as "dizziness, light headedness, tiredness, weakness, or irritability." Mark Madsen, a former member of the Tactical Division who worked at 606 for 12 years, said he developed a rash across his stomach and groin. His doctor, stumped, gave him a topical cream for psoriasis.

Although many cops at 606 would often leave to patrol the city during their shifts, they could be at the shipyard for 16 hours at a time on training days. A few officers complained to reporters at the time, but police commanders said it was too late to change course. Asked for comment, one Navy official suggested in a March 1997 article that the cops were lazy.

"I know the building is safe," said Domenic Zigant, regional base-conversion manager for the Navy. "It appears the police officers don't want the longer commute."

In July 1997, four months after Zigant's promise of safety, the Navy sent a letter telling the city about high levels of lead and copper in the shipyard's drinking water — information it had known since 1993. The city fired back, "Why the delay in notification?" and asked if the Navy had informed at-risk parties such as children and pregnant women of the "long term lead problem."



In December 1997, an industrial hygienist with the city health department warned of serious problems at Building 606 and the consequences of not addressing them.

By that point, Ed Ochi, a city hygienist working for the health department in a small office on the first floor of 606, was flagging a wide range of possible hazards, including the water. In a June test, petroleum compounds were found in every water sample. In a 1998 memo to health officials Ochi documented more water contaminants, including lead that was 17 times the safe level in one sample, and trihalomethanes, chemicals that can cause heart and liver problems. A year later, city officials were still struggling to fix the water, according to a 1999 email by the health department's Vickie Wells. She hadn't expected the Navy to "be responsive to the issue given the minimal amount of rent being paid," Wells wrote.

The hygienist Ochi also warned his bosses about "extremely poor" communication from the Navy, saying he and the police at 606 rarely knew where Navy contractors were going to be working. He shared an astonishing story: In fall 1997, Navy contractors working at the toxic landfill accidentally punched holes in buried cylinders of chlorine gas — a deadly substance that can dissolve lung tissue when inhaled. The incident happened the equivalent of a few city blocks

away from 606, but the Navy didn't tell the people in the building, who only heard about it later from a representative with a state water agency. Subsequent updates, Ochi said, came from a nearby sandwich shop.

"Failure to immediately and (adequately) address concerns regarding site hazards, both real and perceived will result in illnesses and human suffering, losses in productivity, and ongoing morale problems," Ochi warned.

The health department spokeswoman said the city acted on

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Ochi's recommendations and took steps to improve

communication with the Navy. She described the issues at

606 as typical of dormant buildings. The hygienists monitored the air and water on a regular basis and repeatedly concluded the building was safe. Later tests of the water found no problems, according to a 1999 memo by the hygienist at the time, who believed the issues had been resolved by "flushing" the pipes. A Police Department spokesman said bottled water is still supplied to 606 "as a courtesy."

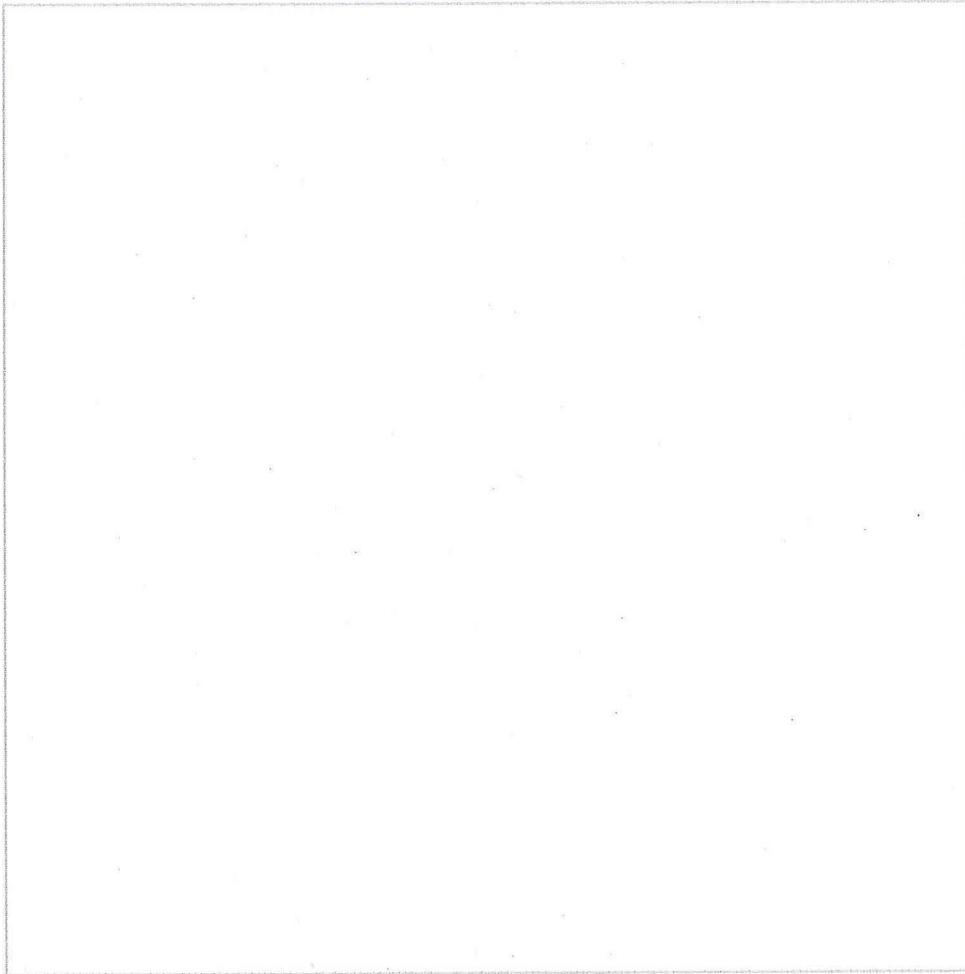
Cops had more to worry about than the building itself. They said they roamed far beyond 606 in the course of their work.

K-9 officers ran their dogs in the fields, teaching them to sniff out bombs and drugs. The bomb squad fired explosives into dirt targets, and the SWAT team practiced searches in empty buildings containing asbestos and lead paint, stirring up dust that dulled their shoes. They shared the roads with trucks hauling tainted soil out of the shipyard, 80 to 100 truckloads per day during heavy periods, totaling tens of thousands of tons.

The city hygienists sometimes wrote memos telling the police not to enter certain areas of the site, taping them to the wall. But cops questioned the hygienists' ability to protect them. There was a lot of turnover in the role; in the first 10 years, six different hygienists served at 606 and the position was vacant for about five months in 1999 after Ochi left.

Police commanders also sometimes defied restrictions put in place by the hygienists or the Navy, according to former Muni Transit and Honda Unit Officer Bob Johnston. During a training program in 1999, Johnston said, he and other police were told to do crowd-control exercises in abandoned buildings near 606. Commanders "had no permission to be in there," Johnston said. "They told us to keep quiet about it." Asked about the incident, a police spokesman said the department has "no knowledge" of such an exercise near 606.

Stuck in the shipyard's information vacuum, the cops were forced to interpret the strange things they saw, heard and smelled. And, from time to time, they got hints that all wasn't right.



San Francisco Police Officer Lewis Fong, who is now retired, during an August 2007 motorcycle training near Building 606 at the former Hunters Point Naval Shipyard. | Kelvin Lai / Courtesy Lewis Fong

One day, a cop's shoe melted. He'd gone for a run in a fairly new pair of running shoes and stowed them in his locker. By the next day, one of the shoes had "just absolutely disintegrated," said Robert Malliaras, 59, who spent 12 years at the shipyard with SWAT and the Honda Unit. On another occasion, a Department of Public Works employee refused to mow the overgrown weeds next to 606. "He goes, 'No, it's contaminated, I'm not touching it,'" recalled Richard Lee, a former SWAT officer at 606 who later became the vehicle fleet manager.

The K-9 dogs started getting sick. At least two previously healthy German shepherds died of cancer after training at the shipyard. One had been trained by Brunner-Jones, including her favorite dog, a sable-colored German shepherd named Crocker. He was 9 when he ran into a glass door at top speed, injuring his spleen. A veterinarian found it full of tumors.

But perhaps the most troubling omen was a fire. Three and a half years after police moved onto the shipyard, smoke began to rise near the waterline. The August 2000 fire smoldered for a month, spewing smoke that was sometimes gray, sometimes multicolored with flares of green or blue. The smoke wafted toward the cops. But they couldn't get a clear answer about what might be burning, they said.

"We were like, 'What the hell?'" recalled Oscar Carcelen, 59, a Muni transit officer who worked at 606 for seven years. "Then we started figuring it out. This is all chemicals from s— they buried for years and years."

City officials consistently dismissed the health concerns of police and civilians working in Building 606, telling them the building was safe. During a meeting of multiple city agencies in 2002, a participant described the police employees in Building 606 as "paranoid," according to handwritten notes of the meeting.

It was the landfill 2,000 feet to the northwest, one of the most tainted parcels at the shipyard. The Navy didn't notify the EPA of the fire until weeks later, according to news reports at the time. The cops said they tried frantically to get information from commanders and were told to avoid going outside when smoke was blowing toward the building.

The Navy was slow to test the gases in the plume that rose from the landfill, waiting three weeks to start collecting daily air samples. After the fire was out and contractors covered the landfill with a "cap," the Navy reported it had found nine contaminants in air at the landfill, including arsenic and chloroform. A federal health agency concluded the fire could have caused "short-term adverse health effects" but no long-term damage.

The cops wanted out.

That year, the chief of police called the health department, saying that cops at 606 were “concerned about hazardous radiation exposure,” a health department leader reported to a colleague in an email. The health official thought the city should share more information. “The police need reassuring,” she wrote. “I think what has happened is that our folks know what’s going on, and that there is no risk involved, so have just ‘dismissed’ the cops fears rather than providing the data, reassurance and guidance that the top command staff are looking for.”

The police who worked in 606 said nothing changed. Two years later, in a meeting of city agencies, one participant described the police employees of 606 as “paranoid,” according to handwritten notes of the meeting.

They felt like lab rats, canaries in a coal mine. “We’re the first ones in,” Carcelen said. “We’re the blue canaries.”

Grim jokes began to circulate among the cops of Building 606:

At the shipyard, you don’t need to use your headlights, because at night, you glow.

Twenty years from now, our balls are going to be green.

Bert Bowers stands near Overlook Park at the former Hunters Point Naval Shipyard, where he worked as the chief radiological safety officer for Tetra Tech, the main contractor hired to clean

up contaminants at the former military facility in San Francisco. Bowers says he was fired for pointing out that the company was ignoring safety principles. Tetra Tech has said Bowers' allegations are false. | Lea Suzuki / The Chronicle

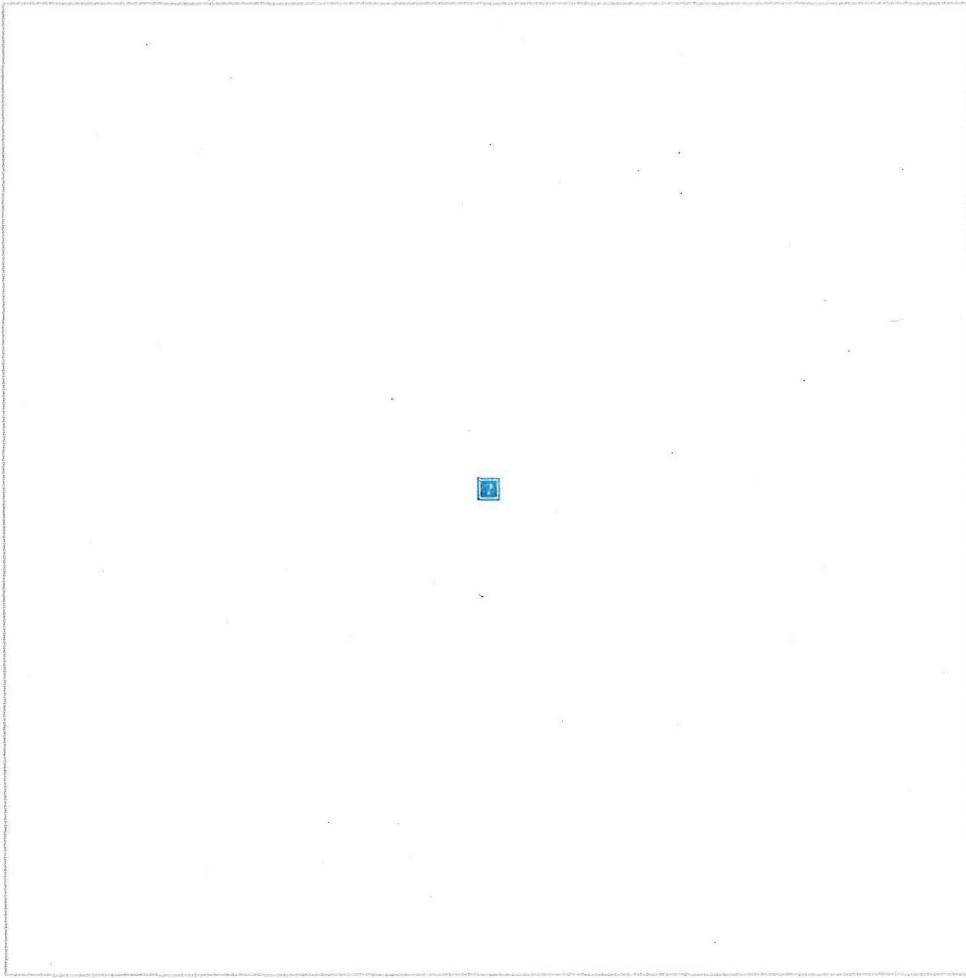
According to Madsen, "The city still said, 'Hey, you guys are still safe there. We wouldn't put you out there if it wasn't safe.'"

#### **Assume the worst**

Decked out in a white hard hat, safety glasses, and steel-toed safety boots, Bert Bowers walked slowly through the dusty fields near Building 606, holding a radiation scanner low to the ground. It was 2002, and Bowers had just been hired as a radiation-safety field technician tasked with measuring radioactivity at the shipyard. Bowers previously had spent decades as a "rad tech" and supervisor at nuclear plants, teaching the mantra of his profession: Assume the worst until you prove otherwise.

"It's not rocket science," Bowers said recently. "It's just the industry standard."

The Navy had ordered a survey of the neighborhood around 606 — the birthplace of the rad labs — and it wasn't long before Bowers located trouble spots that caused his device to emit a loud whine that rose in pitch.



By 2004, the Navy clarified that Building 606 had been built on the site of a former "contaminated laundry facility," which raised the possibility of radioactivity in the soil beneath the police.

"It was screaming hot," Bowers recalled — rad-tech parlance for a very high reading. He

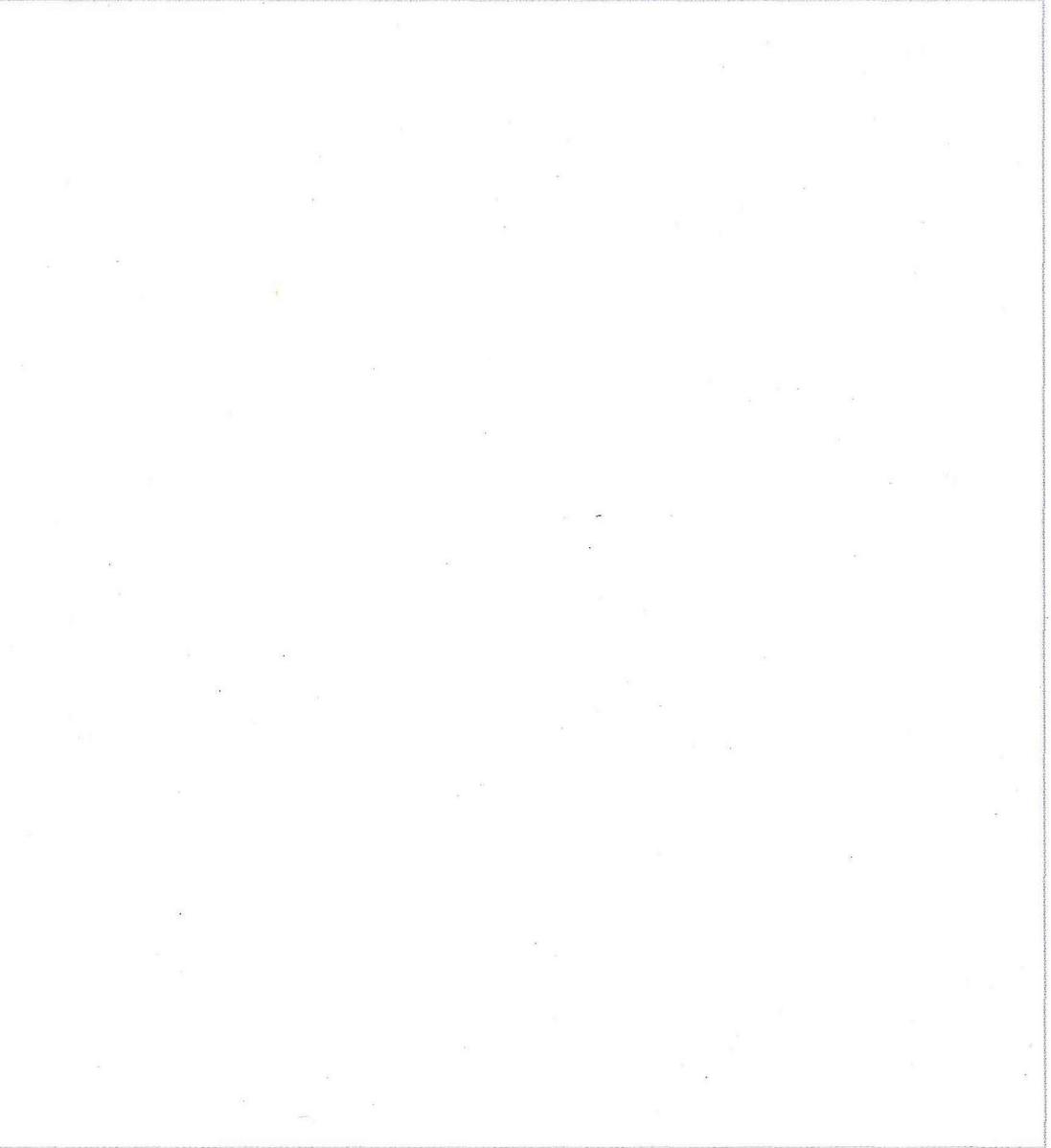
estimated that one of those areas was no more than 35 or 50 yards from Building 606. Bowers later joined Tetra Tech as its chief radiological safety officer and was fired, he said, for pointing out that the company was ignoring safety principles. Tetra Tech has said Bowers' claims are false. Around the same time Bowers found the hot readings with his scanner, more than 300 soil samples from this part of the shipyard, and an area a bit farther west, were tested for radioactivity. Within the top layer of soil, cesium-137 contamination was "moderately extensive," according to a Navy report, while radium-226 was "widespread." One sample from next to 606 — south of the parking lot, where the Navy radiation labs used to be — showed an amount of radium-226 nearly three times higher than the cleanup goal.

The Navy and the EPA declared in 2004 that areas near Building 606 were "radiologically impacted," which meant contamination was likely and more investigation needed to be done. The shipyard had always been a place of mysteries, but with these new findings, the uncertainties were multiplying.

Instead of slowing down, though, the city turned 606 into a law-enforcement destination, former officers said. A helipad was built next door, drawing new traffic to the shipyard, and the city added audiovisual features to a large classroom in 606, offering training courses to cops in the city and beyond. The moves opened the shipyard to more people at a time when the cleanup was about to enter its most intense phase.

"People were out cleaning with white suits and wearing masks, and we never had any of that," said Madsen. "We just kept working out here. Working, running, training, showering, eating."

By 2005, the Navy was worried about the safety of its shipyard tenants, moving to end their leases before contractors started digging up and testing every sewer and storm line for contamination.



Heavy equipment operates at a construction site at the former Hunters Point Shipyard in 2007, which was once a major military facility in San Francisco. | Brant Ward / The Chronicle 2007

"Our main concern was safety," Doug Gilkey, the Navy's base closure manager, said in an August 2005 Chronicle article. "These lines go under the roads. They go under buildings. When we start digging them up, we're going to have trenches all over the base. Because of the safety, we needed to terminate those leases."

But city officials, confronted again with the possible dangers of the shipyard — this time by its owner — still didn't want to vacate Building 606.

The city asked to keep the lease. The Navy relented. The cops remained.

Conditions worsened, officers said. Eighteen-wheelers rattled the roads, carrying the concrete chunks of razed buildings and loads of contaminated soil and sand. To control the dust, contractors sprayed water on the same roads the cops were using, swamping their cars and motorcycles with mud.

"It was filthy," said Sharon Ferrigno, who worked at Building 606 for four years as a lieutenant in

the city's Homeland Security Unit. "Our cars were just caked on with that junk." The mud "was in in places where we worked out, places where we ate, places where we changed," said Madsen. "We were there on a daily basis, up to 16, 18 hours a day sometimes, unprotected." "They never covered those trucks," Malliaras said. "When the wind would blow, and it blew a lot, it would just blow that dirt everywhere."

Officers weren't worried just about themselves; they felt guilty about taking pieces of the shipyard home to their families, their partners and kids, on their clothes and even in the fur of their K-9 dogs. "Some of these guys, not me, but they slept with their dogs," said Gene Kalinin, 59, a retired K-9 officer. The dogs "weren't pets, but they lived with these guys. Some brought them in their houses."

Paul Swiatko was frustrated enough to write a memo to a captain in 2007. The Honda Unit officers, exposed on their dirt bikes, were getting swamped by "unhealthy dust" and "sloppy slick mud," he wrote. The captain agreed that the situation was unacceptable, replying in a letter, "We should have been out of here well before this construction project ever began." Swiatko said he never heard more after that.

The city did make a concession, acknowledging in a memo that there was "an inordinate amount of dust" and agreeing to pay \$10,805.64 for 636 vouchers at the Tower Car Wash on Mission Street. Each employee at 606 got two free car washes per month.

The next year, 2009, most of the officers finally left the shipyard. The SFPD relocated the Tactical Division to a building in Potrero Hill, which was more central and allowed for quicker responses to emergencies.

But the city held onto the lease and has kept the crime lab in the building, along with 40 employees, even as the central question at 606 remains unanswered: What's in the soil?

A definitive probe of the area hadn't been done. That investigation was finally carried out by Tetra Tech in 2011 and 2012. Partly because of that, the results produced more questions than answers.

Tetra Tech concluded that two areas south of the parking lot were clear of dangerous radioactivity. The company also checked the soil that once lay beneath 606, finding elevated levels of cesium-137 in a few samples and disposing of the soil. But the Navy said last year that many of Tetra Tech's measurements in this area can't be trusted and need to be retaken.

As regulators, politicians and San Francisco citizens wrestle with these big, difficult questions, the city officials in charge of 606 often have to confront them in more mundane ways, at an aging building they were asked to leave long ago.

"Ladies and Gentlemen, we have another sewer line leak," a city engineer wrote on March 23, 2016.

The sewage system at 606 had broken down, resulting in periodic floods of liquid waste that threatened to shut down the crime lab. The emergency spawned emails between the city and Navy. "These issues at Bldg 606 are getting to be numerous and ridiculous," one Navy staffer complained. Another Navy official pointed out that the city really should have left 606 a decade earlier.

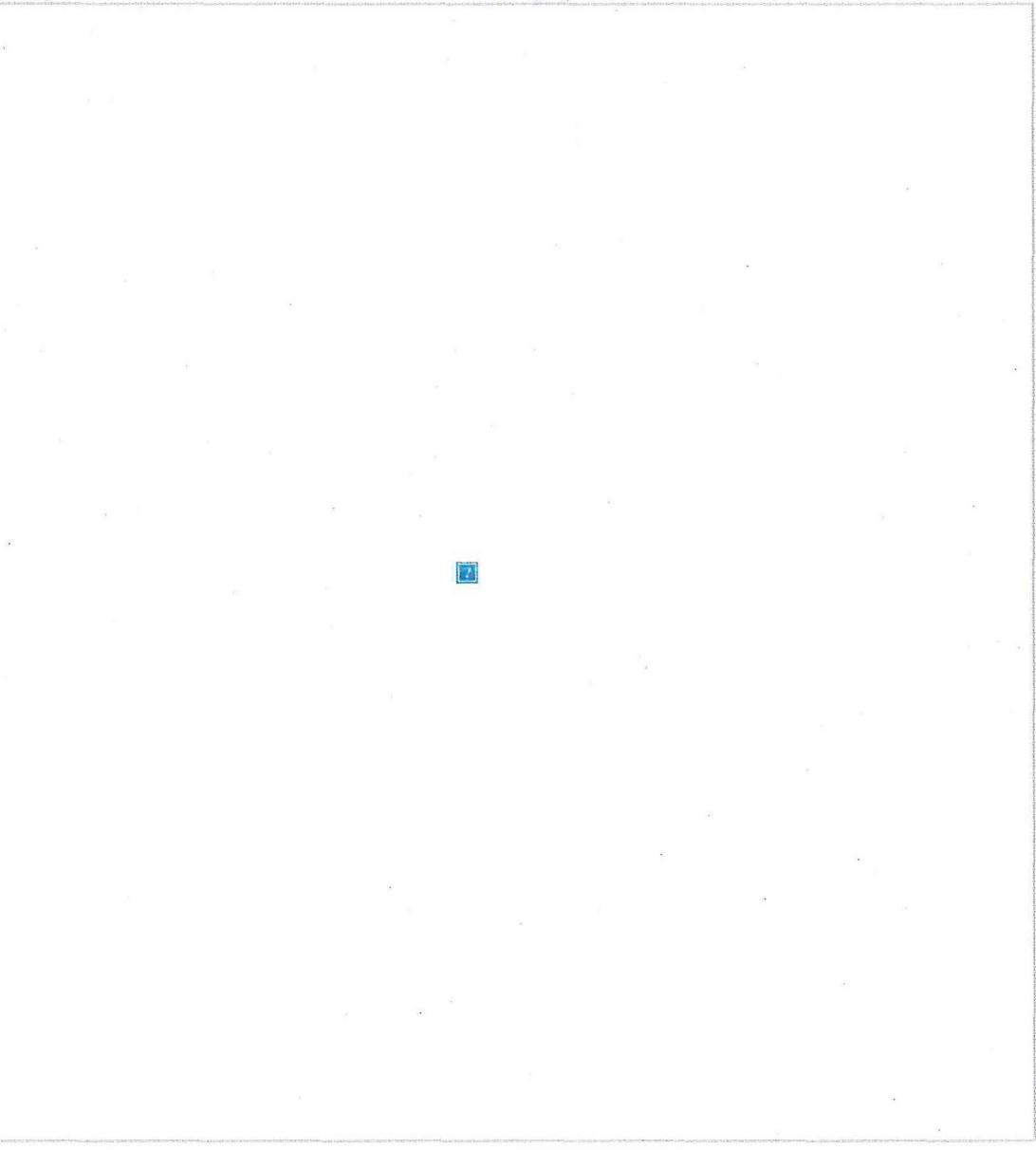
"If you recall at that time, the Navy wanted to cease all leasing," the Navy official wrote.

To fix the problem, an underground sewer vault was needed, and a pit had to be dug to hold the vault. But because this was Building 606, the question arose: Did the excavated soil need to be scanned for radioactivity? The Navy and city said no, as long as the pit was at least 5 feet away from an area that the Navy will eventually be retesting.

"Scanning it will involve extra contracts & will take extra time & money & will delay the project," the health department's point person on the shipyard, Amy Brownell, emailed a Navy official in November. "And since it can be avoided, let's take the easy path."

People still in the building remain nervous about radiation, according to recent emails provided by the health and police departments. On May 7, a crime lab staffer emailed the current city hygienist at 606, saying that employees were concerned about radiation in and around the building and asking if the hygienist could perform a radiation test. The hygienist didn't think so: "We have some old Geiger counters that have not been calibrated for a few years," he replied.

"Beyond that we do not have radiation detection equipment."



Lewis Fong (left), Richard Tong, Paul Swiatko, Mel Bautista, Mark Madsen and Victor Tsang pose for a reunion photo in May at the former Hunters Point Naval Shipyard outside Building 606, where they were stationed when they worked as part of the Tactical Division of the San Francisco Police Department. | Lea Suzuki / The Chronicle

That same week, something happened at 606 that echoed the warnings of communication problems from two decades prior: "One of our employees was stopped and tested for radiation while walking in an area surrounding the building today," a crime lab employee emailed the hygienist. Apparently the employee had unknowingly entered a restricted area the Navy had designated for retesting. The hygienist fired off an email to his bosses, asking for information: "Can you please look into this as soon as possible and let me know what is occurring out there."

#### A reunion

There's a guy in Idaho who keeps track of dead and dying San Francisco cops, a retired SFPD officer named René LaPrevotte. When a police officer dies, he sends an email blast to about a

thousand people, paying tribute. "We call him the Grim Reaper," said Katherine Portoni, a former SFPD dispatcher. "Actually, he's awesome."

Portoni's husband, John, was the subject of a LaPrevotte email. John worked at Building 606 with the Tactical Division. She used to visit him for lunch. "I was like, 'Wow, what are they doing out here?'" Katherine recalled. "It was just a dingy place." John was diagnosed with glioblastoma, an aggressive form of brain cancer, in 2011 and died 13 months later.

Lately, LaPrevotte has used his email list to connect cops who worked at Building 606, and Madsen and others are doing the same, trying to assemble a picture of their health as a group and to better understand the risks they faced. There are officers who have already survived cancer or blood diseases: Nelson Lum; Sharon Ferrigno, who was diagnosed with melanoma in 2009 and had it surgically removed; Philip Brown, a former dirt-bike cop, who suffers from an autoimmune disease that destroys red blood cells.

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Mark Madsen, a former member of the San Francisco Police Department Tactical Division, says he developed a rash across his stomach and groin during the 12 years he worked at Building 606 at the former Hunters Point Naval Shipyard. | Lea Suzuki / The Chronicle

They don't know if the shipyard is to blame. No scientific study of 606 workers has been done, and there is no evidence suggesting cancer rates among this group are higher than normal.

"We realize that it would be tough to prove," Madsen said. "The nature of the job is we're out in the middle of a lot of things. And so we'd always tell each other, 'Well, what if we came down with something? How are we going to prove that we got it from here?' And guys would just throw up their hands."

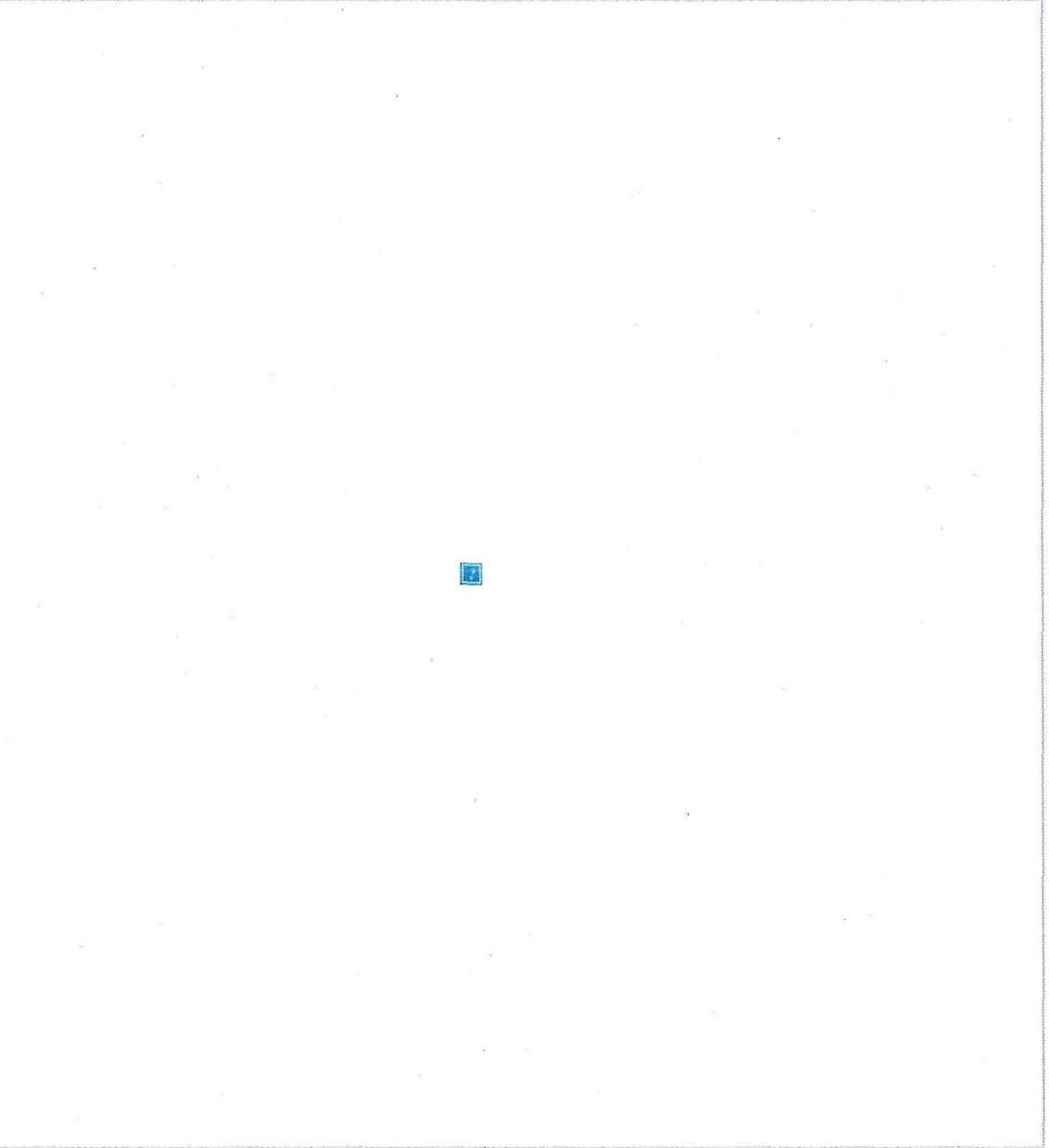
On a weekday in May, six of the former shipyard officers who spoke to The Chronicle about 606 returned to Hunters Point to have a photo taken.

It was a gray, chilly day. They met at the main gate of the shipyard, where the master developer has already built 300 homes, and colorful banners line construction fences: "A proud heritage, a new beginning." The back gate offers easier access to 606, so the officers carpooled there, cresting over the hill and descending into the shipyard. A guard waved them through the gate.

The city's current plan is to use 606 for two more years. A new home is being built for the SFPD crime lab and Traffic Division, and when it is complete, in 2020, the Police Department will vacate 606. For now, the lease is active, and the SFPD pays \$12,325 per month in rent.

Most of the retired cops hadn't been back to the shipyard in years, and some hadn't seen each other for a while. Standing in front of 606, telling stories, joking around a bit, they started to open up. Behind them, people inside the building could be seen going about their workday.

"I'm worried now," said Mel Bautista, a retired Honda Unit officer who spent 12 years at the shipyard. "I want to live for a while."



A sign warns visitors to the former Hunters Point Naval Shipyard that "safety hazards may be present." | Photos By Lea Suzuki / The Chronicle

Across the street to the west, crows circled above a tall pile of dirt next to an empty building. "I'm concerned," Swiatko said, before a gust of wind rippled his jacket. He laughed and shrugged. "But what can be done?"

Former dirt-bike cop Richard Tong, 66, clasped his hands behind his back.

"I think that the city could be a lot more honest with us," he said in a careful, quiet voice. "If there is contamination out here, let us know about it. Get us out of here, OK? ... I always thought the city took care of their people who took care of their people. We're taking care of the people out in the public. Why aren't they taking care of us?"

Aside from the new houses they had noticed back at the main gate, little about the shipyard seemed to have changed, the cops said. The dirt and empty buildings, the fields, 606 itself.

After the picture-taking was done, the former cops got into their cars and drove away, passing a sign on the shipyard's back gate: "The Navy is no longer inspecting or maintaining this property

at the levels of an operational naval base. Safety hazards may be present."

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**From:** Stevenson, David (POL)  
**To:** Fabbri, Carl (POL); Scott, William (POL); Hussey, Deirdre (POL)  
**Subject:** FYI: Supes' Hold Hearing on Tenderloin Drug Dealing -Beyond Chron  
**Date:** Thursday, April 25, 2019 8:09:16 AM  
**Attachments:** 2-8.jpg

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<http://beyondchron.org/supes-hold-hearing-on-tenderloin-drug-dealing/>

## Supes' Hold Hearing on Tenderloin Drug Dealing

Randy Shaw April 23, 2019



### Will SF Finally Do Right by the Tenderloin?

Supervisor Matt Haney has scheduled an April 25 10:00am hearing to address open drug dealing in San Francisco's Tenderloin, Mid-Market and Sixth Street. It's not clear whether Chief Scott—the person with the power to provide the increased police staffing the Tenderloin needs and deserves—will attend. Nor is it clear whether most of the area's property owners or small businesses even know about the hearing. But seniors, aggrieved parents, nonprofit workers and other residents are likely to turn out to tell the supervisors how having to walk by drug dealers each day diminishes their lives.

Haney lives on one of the Tenderloin's most troubled blocks. He campaigned in 2018 vowing to prioritize reducing illegal drug sales. Haney has gotten a lot of publicity for focusing on improving Tenderloin sidewalks, which is positive. But as I wrote last July "[The Tenderloin's Problem is Drug Dealers, Not Trash.](#)"

If Haney can get the Tenderloin the same level of public safety as more affluent neighborhoods, he not only ensures easy re-election

but he could ride this success into the mayor's office in 2027. On the other hand, if nothing improves following the hearing Haney will be seen by many as only the latest politician to not walk the talk on improving Tenderloin safety.

### **A Long History as Containment Zone**

Open drug dealing on Tenderloin sidewalks is a disgrace. It's a clear case of how "progressive" San Francisco discriminates against its few remaining low-income neighborhoods. Tenderloin residents and activists have demanded an end to drug dealing for decades, yet the problem persists.

In 1985, I led a March for Safe Streets through the Tenderloin. I had Mayor Feinstein and Reverend Cecil Williams by my side. In 1985!!!! If you had told me then that the Tenderloin would still be a containment zone for illegal drug activities over forty years later, I would have said that was impossible—after all, Mayor Feinstein wanted the area improved and we thought we would see major improvement by the time she left office in 1987.

I explain in my book, [The Tenderloin: Sex, Crime and Resistance in the Heart of San Francisco](#), why this improvement did not happen. And why the Tenderloin's progress from the late 1970's through 1986 then reversed.

Former Mayor Ed Lee was a true champion for the Tenderloin. Mayor Breed has maintained this commitment. Yet the Tenderloin continues to be afflicted by a level of open drug dealing that the city does not tolerate in its gentrified neighborhoods.

Why does the city not provide sufficient police services to the Tenderloin? I suggest you go to Beyond Chron's Search box and type in "Tenderloin Police." You'll find dozens of articles on complaints about drug dealing going back more than a decade.

Only once in the past forty years, in 2009, has a Chief of Police prioritized ending open drug dealing in the Tenderloin. And when then-Chief George Gascon briefly succeeded in achieving this goal,

he was overwhelmed by demands from the sheriff and public defender office that he stop placing so many Tenderloin dealers in jail.

Gascon could have fought alongside the Tenderloin community, but he had other plans. And his refusal to get into a public fight with other law enforcement officials put him in position to be appointed District Attorney, where he has taken a business as usual approach to Tenderloin crime (the police blame the District Attorney's office for not prosecuting dealers, who then blames the judges, who then blame the legislature. So it's nobody's fault).

The bottom line: The Tenderloin is a working-class neighborhood lacking the politically powerful homeowners whose demands get them a greater share of police resources. Homeowner votes run San Francisco. They want maximum police in their neighborhoods regardless of crime stats, and the top police brass goes along (former Chief Suhr told me that the Sunset needed more police just as much as the Tenderloin).

### **2015 Redistricting Hurt the Tenderloin**

In July 2015, former Chief Greg Suhr expanded Tenderloin station so that it would include the high-crime areas of Market Street, Sixth Street and the Westfield Center. The Tenderloin has never had as much police visibility since this expansion.

As Beyond Chron described in December 2014 ("[SFPD Redistricting Plan Fails the Tenderloin](#)"), the new boundaries caused "the Tenderloin's highly specialized police team to become glorified security guards for Abercrombie and Fitch." While Chief Suhr told a packed community meeting that adding the shoplifter-heavy Westfield Center to Tenderloin station would have no impact, he privately told my staff that if he removed Westfield from the TL Station he would take eighteen officers out of the district as well.

We rejected the trade. And so arresting shoplifters on 5th and Market became a top Tenderloin Station priority.

Some parts of the Tenderloin, like Little Saigon, are vastly improved. Others, like Turk and Hyde and in front of my organization's housing office for homeless persons at 472 Turk, are as bad if not worse than ever. The city begins the renovation of the tot lot at Turk and Hyde this week and that should improve the area. But the sidewalks bordering the SEIU Local 87 parking lot on the northeast corner of Turk and Hyde offers a free space for dealers (the lot itself is barely used, and is not even legal). Yet the union has long fought efforts to build housing on the site, or do anything with their land other than make it inviting for drug dealers.

Current Tenderloin Captain Carl Fabbri is doing the best he can with inadequate resources. That's why for all the upsurge in arrests, the neighborhood remains the place for East Bay drug dealers to do business.

Will Thursday's public hearing pressure Chief Scott to add the officers (at least ten!) that the Tenderloin station needs? Past experience says no. But D6 hasn't had a supervisor who pushed a Chief to commit more officers to the Tenderloin, so maybe Haney will surprise us.

The Tenderloin is flourishing with new restaurants, housing and popular entertainment venues. All that holds it back from being a successful neighborhood is the city's allowing out of area drug dealers to take over various blocks—it is a solvable problem that only requires political will.

*Randy Shaw is Editor of Beyond Chron and Director of the Tenderloin Housing Clinic.*

## **Randy Shaw**

*Randy Shaw is the Editor of Beyond Chron and the Director of San Francisco's Tenderloin Housing Clinic, which publishes Beyond Chron.*

*Shaw is the author of four books on activism, including *The Activist's Handbook: Winning Social Change in the 21st Century*, and *Beyond the Fields: Cesar Chavez, the UFW and the Struggle for Justice in the 21st Century*. His new book is *The Tenderloin: Sex, Crime and Resistance in the Heart of San Francisco**

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Filed under: [Mid-Market / Tenderloin](#)

**From:** Scott Wiener  
**To:** Scott, William (POL)  
**Subject:** Offensive Mail Piece and TV Ad Attacking Me  
**Date:** Thursday, April 18, 2019 3:37:53 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Scott Wiener**



Dear William,

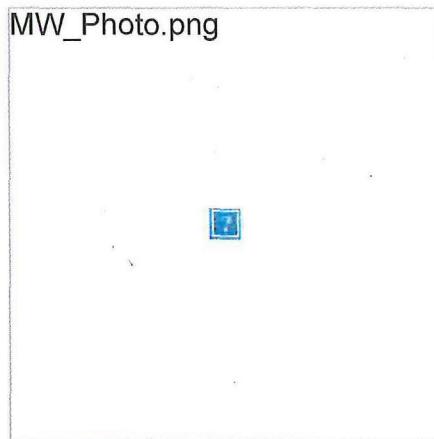
This week you may have seen over the top and insulting TV ads and mailers attacking me and also attacking our legislation to help alleviate California's housing crisis, Senate Bill 50, the More HOMES Act. These television ads and

mailers appropriate the voice of James Baldwin to offensively and outlandishly claim that SB 50 will lead to the displacement of working class communities, particularly our Black community - despite SB 50 containing some of the strongest anti-displacement provisions in existence.

While I can say I am disgusted by this slanderous attack, I cannot say I am surprised.

These ads are paid for by a Los Angeles-based group called “AIDS Healthcare Foundation” (AHF). AHF is a pariah among HIV advocates - universally despised for its anti-science views and bully behavior. For example, AHF opposes PrEP (pre-exposure prophylaxis), a daily pill that almost entirely eliminates risk of contracting HIV. AHF has engaged in a long campaign to delegitimize this HIV prevention tool, which is broadly and deeply supported in the HIV advocacy community and recommended by the CDC and World Health Organization. AHF spends significant money – money that should go to HIV-related healthcare and prevention services - to persuade people at risk of contracting HIV to not take PrEP. AHF even opposed legislation to require people who receive an HIV-negative test to also receive information about PrEP and opposes my current legislation to allow pharmacists to provide PrEP.

AHF presents itself as a community-based nonprofit with “AIDS” and “Foundation” in its name, but in reality, it is a chain pharmacy and insurance company, labeled “nonprofit” but with a budget in excess of \$1 billion. It is run by a man named Michael Weinstein, a mean bully obsessed with using HIV healthcare funds to engage in politics, settle political scores, and increasingly, oppose new housing in California and fund anti-housing NIMBY organizations. AHF and Weinstein are now effectively California’s NIMBY-In-Chief.



Pictured: Michael Weinstein

AHF/Weinstein's beef with me started when, as a member of the San Francisco Board of Supervisors, [I stopped AHF from cheating San Francisco's chain store rules](#) to open a chain pharmacy in the Castro without the proper permit. No one wanted AHF's chain pharmacy in the Castro – particularly our local HIV advocates - and I put a stop to AHF's improper behavior. In response – and in his typical bully way - Weinstein [sued me](#), defamed me, and spent hundreds of thousands of dollars in my senate race to send out [homophobic mailers](#) attacking me. Since I took office as a Senator, AHF/Weinstein have continued to come after me, even using an investigator to try to dig up dirt on me and then putting out a defamatory "investigative report" about me.

It's not surprising that AHF and Weinstein continue to spend HIV healthcare funds to attack me, since they've done it before. Ten years ago, they engaged in a nasty campaign against our very own Speaker, Nancy Pelosi, protesting at her house and falsely claiming she wasn't supportive of HIV funding, despite the fact that she has always been one of the leading national champions for people living with HIV.

AHF's disgraceful behavior goes [beyond their attacks on PrEP](#) and Nancy Pelosi, and includes claims that it over-billed Los Angeles County by millions of dollars, claims that it helped defund a youth organization in Los Angeles which focused on serving African-American, Latino, and transgender youth affected by HIV, getting sued on multiple occasions based on allegations that they [defrauded government programs](#), and being the subject an [IRS complaint filed against them](#) for over-spending HIV funds on political campaigns.

Now, AHF and Michael Weinstein have decided to venture into housing by using HIV healthcare funds to stop housing in California. AHF and Weinstein spent millions writing and campaigning for a widely condemned Los Angeles ballot measure, Measure S, to [stop housing production](#). A broad coalition of labor, affordable housing, and business groups opposed Measure S, and it failed. AHF and Weinstein have also sued to stop the construction of housing that would have blocked Weinstein's office view. AHF and Weinstein also provide support to NIMBY anti-housing groups such as the Coalition to Preserve LA and Livable California.

Now, they are once again using funds meant to provide HIV healthcare to attack SB 50, legislation I'm authoring that, according to the San Francisco Planning

Department, "is likely to result in significantly greater housing production across all density controlled districts, and thus would also produce more affordable housing through the on-site inclusionary requirement." SB 50 will also help to create more affordable housing in segregated neighborhoods that have historically had little or no affordable housing. And SB 50 will help reduce vehicle miles traveled so as to make our air cleaner and help us reach out environmental goals. Communities of color feel the negative impacts of air pollution from cars the most.

SB 50 has a huge support coalition, including San Francisco Mayor London Breed, Oakland Mayor Libby Schaaf, Stockton Mayor Michael Tubbs, the Nonprofit Housing Association of Northern California, the California Labor Federation, the State Building and Construction Trades Council, the California League of Conservation Voters, AARP California, Habitat for Humanity, the UC Student Association, the Natural Resources Defense Council, CALPIRG, Environment California, the California Renters Legal Advocacy and Education Fund (CaRLA), and a host of other renter, business, and labor organizations.

I'll take Habitat for Humanity, AARP, the California Labor Federation, and the UC Student Association over Michael Weinstein and AHF any day of the week.

Michael Weinstein and his immoral and unethical operation have no credibility around HIV healthcare or housing policy.

I will continue to fight for more housing and to reform California's housing status quo that is harming millions of people. I will also continue to advocate for people living with HIV and to ensure those who are negative can stay negative.

I hope you will share this information with others. AHF and Michael Weinstein will continue to attack me and spread misinformation about SB 50. We need to set the record straight.

Sincerely,

Scott\_Signature.png



**Scott Wiener**

Senator

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**From:** coca@memberclicks-mail.net on behalf of [Shannon Mahoney](#)  
**To:** Scott, William (POL)  
**Subject:** CPCA: Legal Alert -- United States Supreme Court Rejects Death Penalty Challenge by Individual with Rare Disease  
**Date:** Wednesday, April 10, 2019 3:00:47 PM  
**Attachments:** Vol 34 No 15 -US Supreme Court Rejects Death Penalty Challenge by Individual with Rare Disease - 4-9-19.doc

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Legal Alert  
By: James R. Touchstone

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## UNITED STATES SUPREME COURT REJECTS DEATH PENALTY CHALLENGE BY INDIVIDUAL WITH RARE DISEASE

In a 5-4 opinion, the United States Supreme Court majority in *Bucklew v. Precythe*, 2019 U.S. LEXIS 2477 (Apr. 1, 2019), held that an inmate with a rare condition causing tumors with blood vessels to grow in his neck, head, and throat failed to satisfy the test that two prior Supreme Court cases established to determine whether a particular execution method inflicts unconstitutionally cruel pain under the Eighth Amendment. That standard required the inmate to show the existence of a "feasible, readily implemented" alternative procedure that would "significantly reduce a substantial risk of severe pain" and that the State had refused to adopt the alternative standard without a legitimate penological reason. Prior to its application, the Court first held that this standard governs all Eighth Amendment challenges, whether facial or as-applied, alleging that a method of execution inflicts unconstitutionally cruel pain.

**Background**

In 1996, Russell Bucklew violently attacked Stephanie Ray after she told Bucklew she wanted to end their relationship. Bucklew later handcuffed Ray, drove her to a secluded area and raped her at gunpoint. After a trooper saw Bucklew, a shootout ensued and Bucklew was arrested. Meanwhile, Ray had bled to death. A jury convicted Bucklew of murder and sentenced him to death. After decades of legal challenges to death penalty protocols and some changes to execution standards in the interim, the State of Missouri's current method of execution involves lethal injection of the drug pentobarbital. The State scheduled Bucklew's execution for May 21, 2014.

Bucklew suffers from a disease called cavernous hemangioma, which causes vascular tumors filled with blood vessels to grow in his head, neck, and throat. Twelve days before his scheduled execution, Bucklew added to his existing challenge to the pentobarbital method which alleged the method would produce excruciating pain and violate the Eighth Amendment on its face. Bucklew now presented an additional as-applied Eighth Amendment challenge to the State's lethal injection protocol, alleging that, regardless whether it would cause excruciating pain for *all* prisoners, it would cause *him* severe pain because of his particular medical condition. His complaint alleged that this condition could prevent the pentobarbital from circulating properly in his body; that the use of a chemical dye to flush the intravenous line could cause his tumors to

rupture; and that pentobarbital could interact adversely with his other medications.

The District Court dismissed Bucklew's challenges. The Eighth Circuit remanded the case to allow Bucklew to identify a feasible, readily implemented alternative procedure that would significantly reduce his alleged risk of pain. Bucklew identified nitrogen hypoxia, but the District Court found the proposal insufficient and granted the State's motion for summary judgment. The Eighth Circuit affirmed.

### Discussion

The Supreme Court explained that the Constitution of the United States allows capital punishment. For example, the Fifth Amendment contemplates that a defendant can be "deprived of life" as a punishment for a "capital" crime. The Eighth Amendment does not prohibit the death penalty, but does forbid "cruel and unusual" methods in carrying out capital punishment. The Court explained that the Eighth Amendment had permitted methods of execution, like hanging, that involved a significant risk of pain, while prohibiting as cruel only those methods that intensified the death sentence by "superadding" terror, pain, or disgrace. Examples of cruel treatment included methods such as dragging, disemboweling, and burning alive. Given historical precedent that hanging and electrocution and other historically permitted methods often resulted in "significant pain," the Supreme Court said that the "Eighth Amendment does not guarantee a prisoner a painless death."

### Baze-Glossip Standard

The Court explained that in *Baze v. Rees*, 553 U. S. 35 (2008), a plurality of the Supreme Court held that to establish a method of execution's cruelty in the Eighth Amendment sense, a prisoner must first show a "feasible, readily implemented" alternative procedure that would "significantly reduce a substantial risk of severe pain" and that the State has refused to adopt the alternative standard without a legitimate penological reason. *Baze*, 553 U.S., at 52. Then in *Glossip v. Gross*, 135 S. Ct. 2726 (2015), the Supreme Court held that this standard governs all Eighth Amendment method-of-execution claims.

The Supreme Court explained that *Baze* and *Glossip* recognized that the Constitution affords a "measure of deference" to a State's choice of execution procedures and does not authorize courts to serve as "boards of inquiry charged with determining 'best practices' for executions." *Baze*, 553 U. S., at 51-52. The Court added that these cases also do not suggest that traditionally accepted methods of execution are necessarily rendered unconstitutional as soon as an arguably more humane method becomes available.

The Court stated that precedent foreclosed Bucklew's argument that methods posing a substantial and particular risk of grave suffering when applied to a particular inmate due to his unique medical condition should be considered "categorically" cruel. The dissent agreed. However, the majority here said that *Baze* and *Glossip* had explained that "[b]ecause distinguishing between constitutionally permissible and impermissible degrees of pain is a *necessarily* comparative exercise, the Court held in *Glossip*, identifying an available alternative is 'a requirement of all Eighth Amendment method-of-execution claims' alleging cruel pain." Moreover, "*Glossip* expressly held that identifying an available alternative is 'a requirement of *all* Eighth Amendment method-of-execution claims' alleging cruel pain," including as-applied challenges. The Court added that Bucklew's as-applied argument failed because the law had always asked whether the punishment superadded pain beyond what was needed to effectuate a death sentence. Determining the answer to that question had always involved a comparison with available alternatives, "not an abstract exercise in 'categorical' classification."

The Court also explained that classifying a lawsuit as facial or as-applied would affect the breadth of the remedy, but leave the substantive rule of law to be used unchanged. The Court suggested Bucklew's and the dissent's view contemplating "categorically" cruel methods would apply a different legal standard for facial lawsuit challenges compared to as-applied ones. The Court also said Bucklew's argument would invite pleading games because such distinctions were often vague in determining whether a claim was facial or as-applied. Lastly, the Court said it saw little likelihood that an inmate facing a serious risk of pain would be unable to identify some available alternative as required by the *Baze-Glossip* test.

Thus, the Court held that *Baze* and *Glossip* govern all Eighth Amendment challenges, whether facial or as-applied, alleging that a method of execution inflicts unconstitutionally cruel pain.

#### Application of the *Baze-Glossip* Test

The Court next addressed whether Bucklew's challenge survived the *Baze-Glossip* test. The Court first explained that the correct standard on appeal after summary judgment was whether Bucklew had shown a genuine issue of material fact warranting a trial. Bucklew proposed an alternative execution method using nitrogen hypoxia instead of the State's method of lethal injection with pentobarbital. The Court explained that Bucklew failed to present a triable question on the viability of nitrogen hypoxia as an alternative for two independent reasons.

First, the Court said that Bucklew's proposal was not a "feasible, readily implemented" one because it lacked sufficient information to show that the State could carry it out "relatively easily and reasonably quickly." *McGehee v. Hutchinson*, 854 F.3d 488, 493 (8th Cir. 2017). For example, Bucklew did not present evidence as to how nitrogen gas should be administered, or its concentration, or for how long applied. Instead, Bucklew simply pointed to reports from correctional authorities in other States indicating the need for additional study to develop a nitrogen hypoxia protocol. This, the Supreme Court said, was "a proposal for more research, not the readily implemented alternative that *Baze* and *Glossip* require." The Court thus found Bucklew's proposal fell well short of the required standard.

Second, the Court found that the State had a "legitimate" reason under *Baze* for declining to switch from its current method of execution as a matter of law - choosing not to be the first to experiment with a new, "untried and untested" method of execution. *Baze*, 553 U.S. at 41. Bucklew's proposal had never been used to carry out an execution.

The Supreme Court next explained that even if nitrogen hypoxia were a feasible, readily implemented alternative, neither of Bucklew's theories showed that nitrogen hypoxia would significantly reduce a substantial risk of severe pain as required under *Baze-Glossip*.

First, Bucklew contended that the State might use painful procedures, given his condition, to administer the lethal injection which could impair his breathing even before the pentobarbital was administered. The Court found the record did not support, and perhaps contradicted, his speculative claims. The Court added that to the extent the record was unclear, Bucklew had ample opportunity to conduct discovery and develop a factual record regarding the State's planned procedures.

Second, Bucklew argued that while either method would cause him to experience "a sense of suffocation" for some period of time before he is rendered fully unconscious, the duration of that period will be shorter with nitrogen than with pentobarbital. The Court found "nothing in the record" suggested that Bucklew would be capable of experiencing pain for significantly more time after receiving pentobarbital than he would after

receiving nitrogen. Bucklew's claim to the contrary, said the Court, rested on his expert's testimony regarding a disputed study of euthanasia in horses that "everyone now agrees the expert misunderstood or misremembered."

For these reasons, the Court found that Bucklew failed to satisfy the *Baze-Glossip* test. The Supreme Court accordingly affirmed.

#### Dissent

In the primary dissent, Justice Breyer was joined by Justices Bader Ginsburg, Sotomayor, and Kagan. The dissent detailed Bucklew's severe physical condition and discussed the "extensive testimony" from their expert witness, an anesthesiologist expressing the prolonged and "excruciating pain and suffering" that is "highly likely" to occur under the State's method of execution. The dissenting Justices accordingly found that the evidence, taken in the light most favorable to Bucklew as required, created a genuine factual issue as to whether the State's method of execution would subject Bucklew to several minutes of severe pain and suffering.

The dissent also disputed that Bucklew was required to suggest an alternate method of execution. Even if he was, Bucklew had actually presented an alternative anyway, and the dissent cited sources suggesting the alternative might be feasible and easily implemented. The Court noted that Missouri and two other states already allowed the use of nitrogen in executions. The Justices said that *Glossip* did not require Bucklew to detail the administration of nitrogen hypoxia or its concentrations, or other details the majority opinion listed; instead, the dissent said, "today's majority invents" such requirements. Justice Breyer was not joined by the other dissenting Justices in his last part of his writing. In this part, Breyer agreed with the majority that delays between sentences of death and the executions were "excessive." However, he contended that the majority's solution "curtail[ed] the constitutional guarantees afforded to prisoners" sentenced to death. He added that "the majority's new rules are not even likely to improve the problems of delay at which they are directed."

In an additional separate dissent, Justice Sotomayor said she was "especially troubled by the majority's statement that '[l]ast-minute stays should be the extreme exception,' which could be read to intimate that late-occurring stay requests from capital prisoners should be reviewed with an especially jaundiced eye." Justice Sotomayor expressed concern that if such comments were mistaken for a new governing standard, they would "effect a radical reinvention of established law and the judicial role." She concluded: "There are higher values than ensuring that executions run on time."

#### HOW THIS AFFECTS YOUR AGENCY

In *Bucklew*, the Supreme Court majority established the death penalty standard in execution challenges to be thus: To establish a method of execution's cruelty in the Eighth Amendment sense, a prisoner must first show a "feasible, readily implemented" alternative procedure that would "significantly reduce a substantial risk of severe pain" and that the State has refused to adopt that alternative without a legitimate penological reason. Inmates affected by this case may have increasing discovery demands of officials to determine execution methods both in California and nationally.

As always, if you wish to discuss this matter in greater detail, please feel free to contact James R. Touchstone at (714) 446-1400 or via email at [jrt@jones-mayer.com](mailto:jrt@jones-mayer.com).

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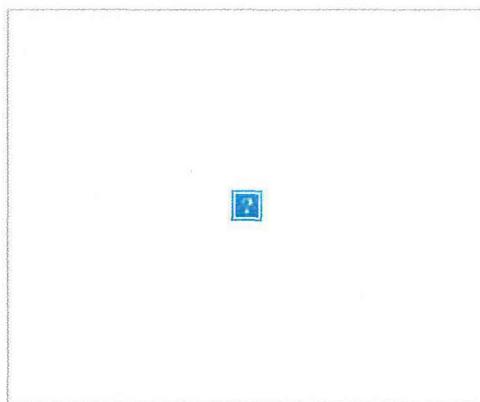
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**From:** Stevenson, David (POL)  
**To:** Scott, William (POL); Sainez, Hector (POL); Andraychak, Michael (POL)  
**Subject:** 48 Hills on TV coverage and leaks  
**Date:** Monday, February 25, 2019 2:06:07 PM

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<https://48hills.org/2019/02/news-media-adachi-death/>



## The local TV news coverage of Jeff Adachi's death is a disgrace | 48 hills

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News + Politics; The local TV news coverage of Jeff Adachi's death is a disgrace. Plus: Letting developers drive Port land use decisions, cracking down on

## The local TV news coverage of Jeff Adachi's death is a disgrace

Plus: Letting developers drive Port land use decisions, cracking down on vacant storefronts, and telling the cops not to interrogate minors ... that's The Agenda for Feb. 25- March 3.

February 24, 2019

I'm just going to come right out and say it: Some of the TV news coverage of [Jeff Adachi's death](#) has been utterly repugnant.

Channel 4 and Channel 7 seem to be trying to outdo each other with "scoops" based on reports that I am almost certain were leaked by the cops, many of whom hated Adachi.

Jeff Adachi



*The late San Francisco Public Defender Jeff Adachi*

Police reports aren't public. When the police shoot and kill young people of color, their families can't get those reports.

But when Adachi died in an apartment in North Beach, not only the reports but photos taken by the officers wound up on the TV news. Where do you suppose those came from? Why do you suppose they wound up with the sensation-driven TV stations?

The photos have been widely publicized with no context at all. There are photos of "an unmade bed" – a salacious innuendo with no relevance. There are pictures of liquor bottles – although there is no evidence or even suggestion that Adachi drank anything but two glasses of wine.

There is zero — zero — evidence of foul play. Everyone agrees with that.

The Medical Examiner's Office called off the cops, saying there was no evidence of a crime – and there still isn't. Instead, the cops showed up anyway (why is nobody investigating why that happened?) Are some officers at the SFPD trying to damage the reputation of one of the city's heroes – before he's been dead more than a day? Looks like it.

And the TV news is going along with this farce.

To its immense credit, the Chron has been much more circumspect, waiting – as a responsible news outlet should – for the actual facts to come in. Same with Channel 5, which is just

reporting that the Medical Examiner is looking into the cause of death. So awful that his wife and daughter have to deal with this.

**The Port Commission meets Tuesday/26** to begin what appears to be a process that could lead to one of the largest development projects in Port history – turning six public piers, with a total of 540,000 square feet, over to a private developer.

And it's happening before a long-discussed Waterfront Plan Update has been completed.

In other words, the Port is ready to start asking developers for proposals to build commercial operations on Piers 19, 19 ½, 23, and 29 and possibly 29 ½ and 31 – before there are plans coming out of a community-driven process to decide what we want on the waterfront.

“This is tail wagging the dog – in this case it looks like flipper wagging the sea lion,” Jon Golinger, a member of the Port’s Waterfront Land-Use Review Committee, told me.

Everyone agrees that the piers are old and in bad shape. It’s going to cost hundreds of millions of dollars to bring them up to the standard that’s needed in the era of climate change and rising sea levels.

The Port argues that the only way to do that – since the city doesn’t have the money – is to enter into public-private partnerships with developers.

The idea: Developers will take valuable waterfront land, turn it into profitable enterprises – and as part of the deal, repair and upgrade the crumbling piers.

We can argue the value of that approach; a city as rich as San Francisco ought to be able to repair its own infrastructure. But let’s accept for the moment the notion that we have to let private developers make money off the waterfront to save the piers.

Shouldn’t the Port Commission wait until the staff has reviewed the Waterfront Plan Update reports and made recommendations for amendments, and the commissioners have had a chance to decide what the city’s collective vision for the future of one of our most valuable assets is?

“Not one substantive amendment has been proposed,” Golinger said.

Or are we going to ask developers to come up with their ideas, hire their lobbying teams, make their campaign donations, and drive what ought to be a public process?

The meeting begins at 3:15 on the second floor of the Ferry Building.

**The Supes Budget and Finance Committee meets Wednesday/27** to consider a couple of interesting items. One would authorize the city treasurer, in the event of another federal government shutdown, to secure a short-term line of credit up to \$20 million to provide emergency loans for federal workers in San Francisco. The local banking industry should have done this in the last shutdown; the city stepping in is a small move toward the idea of a public bank.

The committee is also going to look at rules for allowing on-site sale and consumption of cannabis at special events. It’s fairly easy to get a permit to allow people to drink beer at say, a street fair. Soon: Cannabis, too. You can weigh in on any of this in the Board chambers at 10am.

**The Land Use Committee takes up the issue of vacant storefronts Monday/25.** All 11 supes have signed onto the idea that every vacant storefront needs to be registered with the city and pay a fee (soon, the board may discuss raising that fee, current \$775, a lot higher). The current rules have a loophole: If you say that the storefront is for lease – even if you set

the price so high nobody will pay it and accept no offers – you are exempt from the rules. Vacant storefronts are a neighborhood blight – but more than that, they're evidence of landlord greed, of property owners refusing to rent to small businesses at reasonable rates because they think they can get more money in the future.

All this does is drive up land values; speculators buy commercial property at inflated prices, assuming that rents in the area will rise enough to pay off the gamble. And that hurts all of us.

**The full board on Tuesday/26 will vote on a measure to ban the SFPD from joining, spending money on, or participating in anything sponsored by the National Rifle Association.** That's symbolically important.

More important is a proposal to ban SF cops from interrogating people under 17 until they have representation, and setting clear rules on questioning of youth.

Long overdue.

David Stevenson  
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